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MINIMUM AGE FOR EMPLOYMENT

A study of action required to bring legislation in each jurisdiction in Canada into conformity with International Labour Conventions.

**International Labour Affairs Branch,
Canada Department of Labour,
Ottawa, Ontario, Canada.**

FOREWORD

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In recent years there has been growing interest in Canada in increasing the number of ratifications of International Labour Conventions.

It has been the policy in Canada to obtain complete conformity with the provisions of a Convention before the federal Government ratifies it and thereby assumes the international obligations laid down in the Constitution of the International Labour Organization.

Where the subject matter of a Convention falls exclusively within the jurisdiction of the federal government, conformity with its provisions can be secured through federal legislation. Up to the end of 1968, Canada had in fact ratified 18 such Conventions.

Where the subject matter falls partly within federal and partly within provincial jurisdiction, conformity depends on the adoption of suitable legislation in all provinces and also in the areas of federal jurisdiction. Three such Conventions have been ratified recently by the federal government following consultations with the provinces: Discrimination in employment and occupation (ratified in 1964); Employment of women on underground work in mines (ratified in 1966); and Employment Policy (ratified in 1966).

The federal and provincial departments of labour have discussed on various occasions, most notably at a federal-provincial conference of Ministers of Labour in January 1966, the prospects for Canada of ratifying additional Conventions. It was recognized that changes in legislation would be required in a number of instances to achieve full conformity in all jurisdictions with the provisions of the various Conventions. The federal Department agreed to undertake a series of studies showing the action that

would be required, at federal and provincial levels, to achieve conformity with the provisions of particular Conventions.

The present study, the first in the series, deals with the group of ILO Conventions concerning Minimum Age for Employment. Staff changes have delayed its completion. The study was prepared by Miss E. Groffier under contract to this Branch of the Department of Labour. Copies were then sent to the departments of labour of the provinces, for comment.

Two successive Chiefs of the Studies Division of the Department's International Labour Affairs Branch, Mr. John Millons and Mr. Jan Wanczycki, revised the study in the light of comments and new legislation adopted since the completion of the first draft, and with the help of Miss Evelyn Woolner, Chief of the Legislative Research Division of the Department's Legislation Branch.

The study deals with the position as at the end of 1968. It shows a substantial degree of conformity in Canada with the minimum ages for employment prescribed by the Conventions. However, in various jurisdictions some problems still remain to be adjusted, whether regarding coverage, or regulation of light work or with respect to administrative procedures, particularly concerning exemptions from school attendance.

John Mainwaring
Director
International Labour Affairs Branch

December 31, 1968.

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I N T R O D U C T I O N

This study describes the existing ILO standards of minimum age for employment, and indicates what changes would need to be made in the legislation of the various jurisdictions in Canada, or, in some cases, how the existing legislation would have to be applied, to comply with the ILO Conventions concerned.

Ever since its creation in 1919, the International Labour Organization has taken steps to deal with the problem of minimum age for admission of children to employment. The First Session of the International Labour Conference adopted in 1919 a Convention fixing the minimum age for admission of children to industrial employment. This Convention was ratified by 59 States, and was later revised by a Convention adopted in 1937.

Since 1919, the ILO has adopted a whole set of standards on minimum age for admission of children to employment in various sectors of the economy. These standards are embodied in the following Conventions:

CONVENTION 10, concerning the minimum age for admission of children to employment in agriculture, adopted in 1921, ratified by 39 States;

CONVENTION 15, fixing the minimum age for the admission of young persons to employment as trimmers and stokers, adopted in 1921, ratified by 56 States;

CONVENTION 58, fixing the minimum age for the admission of children to employment at sea, adopted in 1936 revising Convention 7, adopted in 1920, ratified by 40 States;

CONVENTION 59, fixing the minimum age for admission of children to industrial employment, adopted in 1937 revising Convention 5, adopted in 1919, ratified by 22 States;

CONVENTION 60, concerning the age for admission of children to non-industrial employment, adopted in 1937 revising Convention 33, adopted in 1932, ratified by 10 States;

CONVENTION 112, concerning the minimum age for admission to employment as fishermen, adopted in 1959, ratified by 23 States;

CONVENTION 123, concerning the minimum age for admission to employment underground in mines, adopted in 1965, ratified by 10 States.

Of these seven Conventions, two have already been ratified by Canada, namely, Convention 58 fixing the minimum age for admission of children to employment at sea, and Convention 15 fixing the minimum age for the admission of young persons to employment as trimmers and stokers.

Thus, five other Conventions remain unratified by Canada. One of these Conventions, Convention 112, pertains to federal legislative jurisdiction only and can be ratified as soon as the necessary amendments to the Canada Shipping Act are adopted. Conventions 59, 60 and 123 are partially within provincial legislative jurisdiction and partially within federal legislative jurisdiction. Convention 10 also belongs in this category, the scope of the federal jurisdiction being, however, rather limited.

These four Conventions, 10, 59, 60 and 123, are the basic concern of this study. They set out minimum age for employment at 14 years in agriculture, 15 years in industrial occupations, 15 years (unless the school-leaving age is higher) in non-industrial occupations, and at 16 years in underground work in mines and quarries; they also provide for enforcement measures which vary according to each Convention and may include the requirements regarding supervision, keeping of registers of young persons over the minimum age, and, imposition of penalties. Conventions 59 and 60 (industrial and non-industrial employment) provide for a higher minimum age than 15 for occupations likely to endanger life, health or morals of young persons. Finally, light work is regulated by the Conventions dealing with non-industrial occupations and with agriculture.

In the present study, the following pattern has been adopted regarding each Convention under consideration: main requirements of the Convention; actual legislative situation in each jurisdiction; action required in each jurisdiction to achieve compliance with the Convention.

General conclusions resulting from this study are as follows.

Convention 10: There is no specific legislation regarding the minimum age for employment in agriculture. However, the legislation regarding compulsory school attendance is relevant to the employment of children in agriculture. This is particularly so considering that in several jurisdictions (Prince Edward Island, Nova Scotia, Quebec, Manitoba, and Alberta) legislative provisions regarding exemptions for a stated period from school attendance make specific reference to employment of children in farming or occupations related to farming (husbandry). The statutory

school-leaving age in various jurisdictions is 15 or 16 years, which is above the minimum age for employment in agriculture set out in the Convention. Only in Nova Scotia in rural areas the statutory school-leaving age is 14 years.

Legislation in British Columbia and Ontario makes no provision for exemptions from statutory school attendance. These two provinces are thus clearly in conformity with the Convention.

Legislation in the other provinces provides for exemptions from school attendance, but according to information received from them, such exemptions are rarely requested and are only granted in exceptional circumstances.

Under the federal Family Allowances Act which provides for the payment of a monthly allowance to each child under the age of 16 years maintained by a parent, the allowance ceases to be payable if the child, for purposes of employment, does not regularly attend school as required by the laws of the province where he resides.

It would appear that the compliance with the requirements of the Convention would depend on the actual policy in various jurisdictions regarding exemptions from school attendance for the purpose of employment in agriculture. Such compliance would be achieved if these exemptions were only granted to children over 14 years of age, or, in cases of children under 14 years of age, for the purpose of practical vocational instruction and provided that the employment would not reduce the total annual period of school attendance to less than eight months.

Convention 59: The minimum age for industrial employment in all jurisdictions (except Nova Scotia) is the same or higher than the age set out in the Convention. In Nova Scotia it is 14 years which is one year lower than the age required by the Convention.

The Prince Edward Island Minimum Age of Employment Act, which was adopted in 1945 to give effect to Convention 59, complies with the Convention in all particulars.

The Newfoundland Employment of Children Act, passed in 1968, could be considered as fulfilling the requirements of the Convention provided that the regulations issued by the Lieutenant-Governor in Council, allowing employment of children under 16 years, would not apply to children under the age of 15 years in cases of employment in industrial undertakings and, further, provided that the regulations exempting persons from the application of the Act or regulations would not contravene the provisions of the Convention.

The legislation in Quebec and Ontario appears to be in compliance with the Convention.

In the remaining jurisdictions, some adjustments in the present legislation would be needed to comply with the Convention, mostly with regards to the registers of young workers.

Convention 60: The minimum age for employment in non-industrial undertakings is in line with the Convention in Newfoundland, New Brunswick, Quebec, Manitoba, Saskatchewan, British Columbia, the Yukon and Northwest Territories and in federal jurisdiction.

In Ontario, the recent repeal of the provisions allowing exemptions from school attendance under the Schools Administration Act brought the minimum age for non-industrial occupations in line with the Convention.

At present, only in Nova Scotia and Alberta are the requirements regarding minimum age for employment in non-industrial occupations below the standards set out in the Convention.

In Prince Edward Island, at present, there is no legislation regarding minimum age in non-industrial employment.

Regarding other requirements of the Convention, in all jurisdictions, some adjustments in the present legislation would be needed to bring conformity with the Convention, particularly in such areas as: coverage, light work and registers of young employees.

Convention 123: The Convention provides that each member of the ILO which ratifies the Convention shall specify the minimum age for employment underground in mines and quarries in a declaration appended to its ratification, but in no case the specified minimum age shall be less than 16 years.

The minimum age set out in various jurisdictions in Canada ranges from 16 to 18 years which is the same or higher than provided in the Convention.

To secure full compliance with the requirements of the Convention, certain measures might need to be taken in some jurisdictions in connection with the keeping of registers of young workers and making such registers available to workers' representatives at their request. How many jurisdictions would have to take such measures would depend on what minimum age for employment underground Canada would declare for the purpose of ratification of the Convention.

ACTION REQUIRED TO BRING LEGISLATION IN EACH JURISDICTION IN CANADA
INTO CONFORMITY WITH CONVENTION 10 (MINIMUM AGE FOR EMPLOYMENT IN
AGRICULTURE)

THE MAIN REQUIREMENTS OF THE CONVENTION ¹⁾

Minimum Age (Article 1)

Children under the age of 14 years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school.

Practical Vocational Instruction (Article 2)

For the purposes of practical vocational instruction, the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than 8 months.

Technical Schools (Article 3)

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

¹⁾ Articles 1 - 3 of the Convention are quoted here in their entirety.
The complete text of the Convention appears in the Appendix.

ACTUAL POSITTON AND ACTION REQUIRED IN EACH JURISDICTION

NEWFOUNDLAND

Actual position

The School Attendance Act provides for compulsory attendance at school until age 15 years. Exemption may be granted with a certificate for a stated period if the service of the child is needed for the maintenance of himself or of his dependants. If the child is under 12 years of age, the stated period may not exceed two months in a school year except with the approval of the Minister of Education.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention. The Department of Education of Newfoundland has stated that exemptions of children from school attendance for purposes of work are rarely requested. Such exemptions would be in accord with the Convention if granted only to children over 14 or for the purposes of practical vocational instruction as provided in Article 2.

PRINCE EDWARD ISLAND

Actual position

Under the School Act, the school-leaving age is 15 years unless the child has completed courses in public school. Attendance is required for only 75% of term, except in Charlottetown and in towns where 90% attendance is required. Exemptions may be granted for poverty and, if the child is 12 years or older, for temporary work in husbandry or some other necessary employment. In the latter case, exemptions may not be granted for more than six weeks in a year.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention, except in the case of a child who completes his courses in public school before the age of 14 years. The practice governing exemptions would be in accord with the Convention if exemptions are granted only to children over 14 years of age or for the purposes of practical vocational instruction as provided in Article 2.

NOVA SCOTIA

Actual position

Under the Education Act, the school-leaving age is 16 years in cities and towns and 14 years elsewhere; 15 and 16 years may be fixed locally. Exemptions of not more than six weeks a year may be granted for farming, urgent home duties or other necessary employment to children of 12 years of age or older. A child of 13 years or older may be granted an employment certificate permitting him to work for a specific employer, in case of family need. Such an exemption terminates when the child ceases to work for the employer named in the certificate.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention. The practice governing exemptions would be in accord with the Convention if exemptions are granted only to children over 14 years of age or for the purposes of practical vocational instruction as provided in Article 2.

NEW BRUNSWICK

Actual position

Under the Schools Act, the school-leaving age is 15 years. Exemptions may be granted for not more than six weeks in a term by the Minister of Education if the child's parent applies in writing and if the Minister agrees with the reasons for such application.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention. The practice governing exemptions would be in accord with the Convention if exemptions are granted only to children over 14 years of age or for the purposes of practical vocational instruction as provided in Article 2.

QUEBEC

Actual position

Under the Education Act, the school-leaving age is 15 years. Exemptions may be granted by certificate for not more than six weeks, when the services of the child are needed for farm work, home duties, maintenance of self or others.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention. The practice governing exemptions would be in accord with the Convention if exemptions are granted only to children over 14 years of age or for the purposes of practical vocational instruction as provided for in Article 2.

ONTARIO

Actual position

The Schools Administration Act provides that the school-leaving age is 16 years unless the child has completed secondary school.

The provisions of the Act allowing children under the age of 14 years and between 14 and 16 years to be exempted from school attendance if their services were needed in farming, home duties, maintenance of self or others, were repealed in 1968 by the Schools Administration Amendment Act.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention. The 1968 amendment to the Schools Administration Act, by eliminating from the Act the provisions regarding exemptions, brought the situation in Ontario in full compliance with the Convention.

MANITOBA

Actual position

Under the School Attendance Act, the school-leaving age is 16 years; exemption from school attendance may be granted to a child over 12 years of age for not more than four weeks a year if his services are needed in husbandry or home duties. Also, children over 15 years of age who have a certificate signed by parent, the school attendance officer and school superintendent or inspector may be exempted from school attendance (the 1968 amendment to the School Attendance Act).

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention. The practice governing exemptions would be in accord with the Convention if exemptions are granted only to children over 14 years of age or for the purposes of practical vocational instruction as provided in Article 2.

SASKATCHEWAN

Actual position

Under the School Attendance Act, the school-leaving age is 16 years unless the child has passed grade 8. Exemption may be granted if the services of the child are needed for the maintenance of himself or of his dependants.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention, except in the case of a child who passes grade 8 before the age of 14 years. Educational authorities have stated that they interpret the section providing for exemptions in such a way as to cover children leaving school in order to assist at home with farm work during seeding or harvest. Such exemptions would be in accord with the Convention if exemptions are granted only to children over 14 years of age or for the purposes of practical vocational instruction as provided in Article 2.

ALBERTA

Actual position

Under the School Act, the school-leaving age is 16 years. Exemption may be granted to a child of 12 years of age or older for a period up to three weeks per term if the child is needed in farming, home duties, maintenance of himself or others dependent on him.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention. Exemptions would be in accord with the Convention if they are granted only to children over 14 years of age or for the purposes of practical vocational instruction as provided in Article 2.

According to the Alberta Department of Education, exemption of children of 12 years or older from school attendance for a period of up to three weeks for employment in small farming operations, home duties, maintenance of self or others, are very rare. In a number of cases of physically or mentally retarded children, arrangements have been made for shelter workshops, which might fall within the definition of practical vocational instruction as provided in Article 2 of the Convention.

BRITISH COLUMBIA

Actual position

Under the Public Schools Act, the school-leaving age is 15 years unless the child has completed his course at the nearest public school and transport to high school is not provided. No exemptions are provided to permit earlier employment.

Action required to achieve compliance with the Convention

The Act is in line with the Convention.

YUKON AND THE NORTHWEST TERRITORIES

The statutory school-leaving age is 15 years both in the Yukon and in the Northwest Territories, but in the Northwest Territories a child may be exempted from school attendance if he has completed grade 8. No exemptions are provided to permit earlier employment.

Action required to achieve compliance with the Convention

The statutory school-leaving age meets the requirements of the Convention, except in the case of a child who completes grade 8 before the age of 15 years. Thus, to achieve full compliance with the Convention, this provision for leaving school before the age of 15 years would need to be eliminated.

ACTION REQUIRED TO BRING LEGISLATION IN EACH JURISDICTION IN CANADA INTO CONFORMITY WITH CONVENTION 59 (MINIMUM AGE IN INDUSTRIAL EMPLOYMENT).

THE MAIN REQUIREMENTS OF THE CONVENTION ²⁾

Scope: (Article 1)

Convention No. 59 applies to all classes of industrial undertakings including, in particular, four classes of industrial activities, namely, mines and quarries, manufacturing (including shipbuilding and the generation, transformation and transmission of electricity), construction, and transport (of passengers or goods by road, rail or inland waterways). The competent authority is to define the line of division which separates industry from commerce and agriculture.

Minimum Age: (Article 2)

Children under 15 years of age shall not be employed or work in any public or private industrial undertaking or in any branch of such undertaking. National laws or regulations may permit children under 15 years of age to be employed in family undertakings in which only members of the employer's family are employed, except in the case of employments, which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein.

Technical Schools: (Article 3)

The provisions of the Convention do not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

²⁾ Articles 1 - 5 of the Convention are here paraphrased. The complete text of the Convention appears in the Appendix.

Registers: (Article 4)

To facilitate the enforcement of the provisions of the Convention, every employer in an industrial undertaking is required to keep a register of all persons under the age of 18 years employed by him, and of the dates of their births.

Dangerous Employment: (Article 5)

National laws shall prescribe or empower an appropriate authority to prescribe a higher age or ages than 15 years for the admission of young persons or adolescents to employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein.

ACTUAL POSITION AND ACTION REQUIRED IN EACH JURISDICTION

NEWFOUNDLAND

Actual position

Minimum Age: The Employment of Children Act passed in 1968³⁾ prohibits the employment of children under the age of 16 years except in family undertakings.

The minimum age of 16 years applies to any employment (industrial and non-industrial), including the distribution and sale of newspapers.

A child under the age of 16 years is allowed to be employed by his parent or guardian in any employment in which only members of that parent's or guardian's family are employed, subject to the following conditions:

A child must not do any work that is unwholesome or harmful to his health or normal development, or that interferes with his attendance at school or his capacity to benefit from instruction there given. Hours of work must

³⁾ This Act will come in force on a day to be proclaimed by the Lieutenant-Governor in Council.

be limited to eight in a day and three on a school day. On any day the total of hours required for attendance at school and the hours worked must not exceed eight. Work between the hours of 9 p.m. and 8 a.m. is forbidden.

The Lieutenant-Governor in Council may by regulations

- (i) prohibit the employment of persons under the age of 18 years in any occupation specified in the regulations;
- (ii) prescribe the circumstances under which and occupations in which persons under the age of 18 years may be employed, and fix the conditions and minimum wages for such employment;
- (iii) permit the employment of children under 16 years of age in specified occupations under prescribed conditions and circumstances, including conditions as to minimum age of employment and as to minimum wages for such employment;
- (iv) exempt any person or class of persons from the application of the Act or regulations.

The Minister of Labour may by order prohibit the employment of a child under the age of 16 for any reason that he deems sufficient.

Registers: In order to facilitate the enforcement of the Act, every employer is required to obtain and keep on file a birth certificate or a statement of the date of birth acceptable to the Minister of Labour for every employee under the age of 18 years until the employee reaches the age of 18. In addition, the employer must keep a register of the names, dates of birth, addresses and dates of commencement and termination of employment of all employees under the age of 18 years. Provisions are made for a system of inspection of business premises and records, and for the prosecution of offences under the Act.

In order to assist the Minister of Labour in carrying out the purposes of the Act, provisions are made for an advisory committee on which the Departments of Public Welfare, Education, Health and Labour would be represented.

Dangerous Employment: The Child Welfare Act makes it unlawful to employ a child under 16 years of age in any occupation which is declared by the Lieutenant-Governor in Council to be a prohibited occupation. Under the new Employment of Children Act such prohibition would apply to any person under the age of 18.

Mines: Under the Mines (Safety of Workmen) Regulations, the minimum age for underground work in mines and quarries is 18.

Action required to achieve compliance with the Convention

Once the Employment of Children Act comes into force, the requirements of the Convention will be satisfied provided that the regulations issued by the Lieutenant-Governor in Council allowing the employment of children under 16 years of age would not apply to children under the age of 15 in cases of employment in industrial undertakings, and, further, provided that the regulations exempting persons or classes of persons from the application of the Act or regulations would not contravene the provisions of the Convention.

PRINCE EDWARD ISLAND

Prince Edward Island is in full compliance.

The Minimum Age of Employment Act was adopted in 1945 to give effect to Convention 59 in all particulars.

NOVA SCOTIA

Actual position

Minimum Age: The Employment of Children Act sets a minimum age of 14 in manufacturing, and the Construction Safety Act sets a minimum age of 16 in construction. Exemptions are available to children over 13 and employment certificates issued for exemptions must be obtained in accordance with the provisions of the Education Act and kept on file in the industrial establishment where the child is under 16.

In mines, the minimum age is 18 underground in metal and coal mines (Metalliferous Mines and Quarries Regulation Act s. 4 and Coal Mines Regulation Act s. 20). The minimum age for employment above ground is 16 years in metal mines; no minimum age is provided for in coal mines. There is no minimum age provided for in transport. However, the Motor Vehicle Act provides that the holder of a chauffeur's license must be at least 16 and in some cases 18, according to the weight of the vehicle; thus some limit on minimum age for employment is provided by this means in road transport. The Education Act allows the child to leave school at the age of 14.

Family Undertakings: The Employment of Children Act does not apply to family undertakings (s. 3) but no person is allowed to employ a child under 14 to do any work likely to be unwholesome or harmful to his health or normal development or to prejudice his attendance at school.

Registers: The Industrial Safety Act states that before permitting a person under 16 years of age to work in an industrial establishment (factory) an employer must obtain his birth certificate, keep it on file and produce it for examination by an inspector. The Nova Scotia Minimum Wage Act requires all employers to keep a register of the names and ages of all their employees.

Dangerous Employment: The Industrial Safety Act makes no provision for fixing a higher age than 15 years for dangerous employment, but enables the Governor in Council to make regulations respecting the employment of youths and young girls (s. 18(h)).

Action required to achieve compliance with the Convention

The amendment of the Employment of Children Act with a view to raising the minimum age from 14 to 15 would have to be considered. Legislation would be required to set a minimum age in transport and in coal mines, as far as work above ground is concerned. The relevant provision of the Industrial Safety Act under which employers must obtain birth certificates of employees under 16 would have to be amended to provide that employers obtain birth certificates of all employees under 18. Or, to provide that every employer in an industrial undertaking must keep a register of all persons under the age of 18 years employed by him and the dates of their births.

NEW BRUNSWICK

Actual position

Minimum Age: The Minimum Employment Standards Act provides that no child under the age of 16 years may be employed in any place of employment except a private home or a farm unless he has a written authorization from the Minister of Labour. No employment permit is granted during the school year without written comments by the Minister of Education advising that the child has been exempted from further attendance at school.

The minimum age is 16 in coal mines; in metal mines it is 16 for work above ground and 18 for work underground.

Family Undertakings: "Employee" as defined under the Minimum Employment Standards Act excludes any child employed by his parent or guardian.

Registers: Under the Minimum Employment Standards Act, an employer must obtain and produce the birth certificate of any child under 16 years of age or of any young person under 18 years, when requested to do so by an inspector. Under the Minimum Wage Act, an employer is required to keep records which include names and ages of all employees.

Regulations under the Mining Act require registers to be kept containing the name, age and date of first employment of each person employed underground.

Dangerous Employment: The Minister of Labour is enabled, under the Minimum Employment Standards Act, to prohibit young persons under the age of 18 years from employment deemed by him to be dangerous or injurious to their health or welfare (s. 6).

Action required to achieve compliance with the Convention

The minimum age for employment under the provincial law (16) exceeds the minimum age for employment specified in the Convention (15).

Thus compliance with the minimum age provision of the Convention would be more than met provided that exemptions are granted only to children over 15 years of age. A provision would need to be adopted prohibiting the employment of children in family undertakings where such employment is deemed to be dangerous.

QUEBEC

Actual position

Minimum Age: The Industrial and Commercial Establishments Act, as amended in 1968, sets a minimum age of 16 for employment in industrial and commercial establishments to which the Act applies, but allows the employment of students 15 years of age during school vacations if they have obtained a permit from the inspector.

The definition of industrial establishment covers manufacturing and would apply to construction. However, there is some doubt as to whether all employment in transportation within provincial jurisdiction is covered. For mines, the Mining Act sets a minimum age of 16 years above ground and 18 years underground (ss. 256 and 257).

Family Undertakings: The minimum age provisions of the Industrial and Commercial Establishments Act do not apply to employment in family undertakings, except where such employment is classified by the Lieutenant-Governor in Council as dangerous or where such employment involves work with steam boilers or other motors.

Registers: The employer or head of any industrial or commercial establishment is required to keep a register in which the names and ages of all his employees are recorded. The employer of a boy or girl must produce for an inspector, if required to do so, a certificate of age signed by the parents, guardian or a physician.

Dangerous Employment: In any establishment classified by the Lieutenant-Governor in Council as dangerous, unwholesome or incommodious, the minimum age for employment is 16 years for boys and 18 years for girls or women (s. 6(1)). The Lieutenant-Governor in Council may prohibit entirely the

employment of girls and women, and of boys under 18 years of age, in industrial establishments deemed to be dangerous or harmful to their health (s 6(3)).

The regulations under the Industrial and Commercial Establishments Act list three classes of industrial establishments in which work is prohibited or restricted: first, a class of premises or occupations in which boys under 18 years and girls or women may not be employed; second, a class of establishments in which boys under 16 years and girls under 18 years may not work; and third, a class of particular establishments in which general work other than on machines is permitted for boys and girls over 14 years of age. The minimum age for employment in the third class of establishments would have to be changed to be in line with the minimum age of 16 years adopted in 1968.

Action required to achieve compliance with the Convention

As a result of the 1968 amendment to the Industrial and Commercial Establishments Act the minimum age for employment in industrial and commercial establishments is one year higher than that required in the Convention. Also, the new minimum age for employment is one year higher than the statutory school-leaving age in the province which is 15 years. There might be a need for clarification whether all employment in transportation within provincial jurisdiction is covered by the Act.

ONTARIO

Actual position

Ontario's Industrial Safety Act is broad enough in its coverage to apply not only to Convention 59, but also to Convention 60. The Act sets a minimum age of 15 years for employment in industrial establishments. The term "industrial establishments" covers a factory, shop, office or office building. The definition of "factory" in the Industrial Safety Act is similar to the definition of "industrial undertaking" in Convention 59 and employment in factories would fall within the scope of that Convention. On the other hand, employment in a shop, office or office building would fall within the scope of Convention 60 (Minimum Age in Non-Industrial Employment). Regarding employment in factories, the Industrial Safety Act does not provide for any exceptions from the minimum age of 15 years set out in the Act.

The Industrial Safety Act covers employment in transportation (to the extent falling under provincial jurisdiction) as the premises of a transportation enterprise would constitute a factory under the Industrial Safety Act.

On the road, the minimum age at which a driver can be licensed is 18 years (Regulations 530, s. 20 under the Public Vehicles Act).

The minimum age for employment is 16 years in construction under the Ontario Construction Safety Act with provisions for employment of 15-year old children in such parts of a project as may be defined by regulations (s. 18, a.(3)).

In mines, the minimum age is 16 years above ground and 18 years for underground work.

Registers: An employer must keep records of the ages of those employees under 18 years of age (Minimum Wage Act, s.10).

Dangerous Employment: There is no provision fixing a higher age than 15 years for dangerous employment, but the Lieutenant-Governor in Council has the power to make regulations prohibiting employment of any person or class of persons in connection with any industrial establishment.

Action required to achieve compliance with the Convention

Considering that the definition of "industrial undertaking" in the Convention is similar to the term "factory" in the Industrial Safety Act, the Ontario standard regarding the minimum age for industrial employment satisfies the requirements of the Convention.

MANITOBA

Actual position

The Manitoba Employment Standards Act applies to industrial and non-industrial employment. The Act, as amended in 1968, defines a "child" as a person under the age of 16 years, and an "adolescent" as a person between 16 and 18 years of age. The Act prohibits (without exceptions) the employment of children in any building, structure or premises or land in or on which any person is employed for remuneration by an employer whose operations include, as a substantive part, the processing, producing, manufacturing, cleaning, altering, repairing, or servicing of any material, substance, article, machinery, or thing by manual labour or by the use of machinery or by both (s. 33(1) as amended in 1965). In general, the Act prohibits the employment

of children unless a written permit is obtained from the Minister of Labour (s. 8(a)). The determining factor in the Minister's issuing of permits is the prohibition in clause (c) of s. 8 of the Employment Standards Act that "no child shall be employed in such a manner or upon such work or service, that its safety, health, or moral well-being, may be hurtfully affected".

The minimum age for employment in mines is 16 years above ground and 18 years underground.

Registers: There is no obligation on the part of employers to keep a register of all persons under the age of 18 years and of the dates of their births. An application for a permit is made by the prospective employer on a form on which he states the age of the child. The application form is counter-signed by the parent and the school principal.

Dangerous Employment: Under the Employment Standards Act the Lieutenant-Governor in Council may by order prohibit or regulate any employment of young persons between 16 and 18 years of age which he considers to be dangerous, unwholesome or unhealthy (s. 32(2)).

Action required to achieve compliance with the Convention

Under the provincial law, minimum age for employment of children is higher than the standard specified in the Convention. The compliance with the minimum age provisions of the Convention would be more than met provided that permits for employment (when allowed under s. 8 of the Act) by the Minister of Labour are granted only to children over 15. A provision would need to be adopted requiring employers to keep registers of all persons under the age of 18 years and of the dates of their births.

SASKATCHEWAN

Actual position

Minimum Age: The Factories Act sets a minimum age of 16 years for employment in manufacturing. There is no legislation setting a minimum age for employment in construction and transportation. In mines, the minimum age is 16 years except in metal mines underground where it is 18 years.

Family Undertakings: The Factories Act does not apply to family undertakings wherein "...neither steam, water, nor other mechanical power is used in aid of the manufacturing process ..."

Registers: Employers covered by the Factories Act are required to keep a register, according to a prescribed form, of persons under 18 years of age employed in a factory, showing names, ages, and dates of first employment. In coal mines and in metalliferous mines a register with names, ages, residences and dates of first employment is required.

Dangerous Employment: The Factories Act authorized the Lieutenant-Governor in Council to prohibit employment of young persons under 18 years of age in work in factories that is deemed to be dangerous or unwholesome (s. 8). In coal mines, persons under 18 are prohibited from engaging in particularly dangerous work (Coal Mines Safety Act. s. 11(1)).

Action required to achieve compliance with the Convention

Legislation would be needed to set a minimum age for employment in all occupations where no minimum age is provided for. Legislation would also be required to provide for the keeping of employers' registers in undertakings where registers are not now required (construction and transportation). This legislation would need to stipulate that the registers would include the

dates of birth of all employees under 18 years of age.

ALBERTA

Actual position

Minimum Age: A minimum age of 15 years is fixed for employment in manufacturing, construction and transport. In some undertakings, however, exceptions may be provided for by the granting of permits (generation of electricity, construction and transport) (Alberta Labour Act, Section 54, (3)(a)).

In mines, the minimum age is 17 years.

Technical Schools: The minimum age fixed by the Labour Act does not apply to children under 15 years who have been excused under the School Act from school attendance for the purpose of securing vocational training through employment.

In recent years the Alberta Department of Labour has provided for adequate control of such vocational training through employment by working closely with the School Board in making such arrangements. This not only covers physically or mentally retarded children, but also the ordinary students so they can gain practical experience which will assist them in finding later suitable employment.

Registers: Under the Labour Act, employers are required to maintain a register showing the names and ages of all their employees. The coal mines regulations require a register to be kept of names, ages and dates of first employment of every person employed underground.

Dangerous Employment: The Alberta Labour Act enables the Lieutenant-Governor in Council to prohibit young persons under 18 years from engaging in harmful employment. He is empowered to impose such conditions with respect to employment of persons 15 to 18 years in any specific occupation as he considers proper (Alberta Labour Act, Section 34 (3)(b) & (c)).

Action required to achieve compliance with the Convention

Consideration would need to be given to repealing the relevant section of the Labour Act providing for exceptions by permit.

BRITISH COLUMBIA

Actual position

Minimum Age: The Control of Employment of Children Act sets a minimum age of 15 but makes provision for exceptions by permit from the Minister of Labour (s.3). The Act applies to all industrial occupations listed in the Convention except mining and rail transport within provincial jurisdiction.

In mines, the minimum age is 16 years above ground and 17 years below ground in coal mines, and 18 years below ground in metal mines. (Persons who are 17 years of age may be employed in metal mines for purpose of training.)

No minimum age is fixed for rail transport.

Registers: Under the Minimum Wage Acts, employers are required to maintain a register showing the names and ages of all their employees.

Dangerous Employment: The Factories Act adopted in 1966 authorizes the Lieutenant-Governor in Council to make regulations for the protection of health, safety and welfare of persons employed in any factory, shop or office building (s. 37(a)).

Action required to achieve compliance with the Convention

To achieve full compliance with the Convention, provisions allowing children under 15 years to work with a permit from the Minister of Labour would need to be repealed. Legislation would be required to set a minimum age in rail transportation within provincial jurisdiction.

YUKON AND NORTHWEST TERRITORIES

Actual position

The Labour Standards Ordinance of the Northwest Territories, 1967, and Labour Standards Ordinance of the Yukon Territory, 1968, set out the minimum age for industrial and non-industrial employment at 17 years.

The employment of persons under 17 years is permitted in occupations and subject to conditions (including minimum wage rates) as may be specified by regulations. Regarding employment in mines, in the Northwest Territories the minimum age for employment is 16 years above ground and 18 years underground (N.W. Mining Safety Ordinance, s. 10); in Yukon, it is 18 years underground or "at the working face of any open cut workings, pit or quarry" (Yukon Mining Safety Ordinance, s. 10).

The statutory school-leaving age is 15 years in both Territories.

Action required to achieve compliance with the Convention

Considering that Labour Standards Ordinances in both Territories apply to any work, undertaking or business of a local or private nature, the minimum age for employment in industrial undertakings would meet the requirements of the Convention provided that permits for employment of young persons under the age of 17 would not be granted to those under the age of 15. Further, it would be necessary to provide that the employers should keep registers indicating the date of birth of every employee under the age of 18 years.

FEDERAL JURISDICTION

Actual position

Minimum Age: The Canada Labour (Standards) Code applies to such of the undertakings listed in the Convention as are under federal labour jurisdiction. It provides that an employer may employ a person under the age of 17 in any office, plant, service, transportation, communication, construction, maintenance, repair or other occupation in a federal work, undertaking or business only if:

- a) The employee is not required, under the law of the province in which he is ordinarily resident, to be in attendance at school;
- b) the work in which the employee is to be engaged is not underground in a mine or prohibited for young workers by special legislation (Explosive Regulations, Atomic Energy Control Regulations, Canada Shipping Act) or is not likely to be injurious to his health, or to endanger his safety;
- c) the employee is not required or permitted to work between 11 p.m. and 6 a.m. (Canada Labour (Standards) Code s. 12 and regulations s. 9(1)(2)).

Registers: Every employer is required to keep a register showing (among others) the name, address and age of all his employees under the age of 17 years (Canada Labour (Standards) Code s. 39).

Action required to achieve compliance with the Convention

The provisions of the Canada Labour (Standards) Code and General Regulations would need the following minor modifications to achieve full compliance with Convention 59:

- (a) the registers kept by the employers would have to indicate the date of birth of every employee under the age of 18 years;
- (b) a provision would be required to prevent children under 15 years from being employed outside school hours. On this point, it should be noted that, although the statutory school-leaving age is generally 15 or 16, there are some exceptions. In Nova Scotia, for example, it may be 14 years in rural areas. There may be a remote possibility that children between 14 and 15 years could be employed in an undertaking under the federal jurisdiction.

ACTION REQUIRED TO BRING LEGISLATION IN EACH JURISDICTION IN CANADA INTO
CONFORMITY WITH CONVENTION 60 (MINIMUM AGE IN NON-INDUSTRIAL EMPLOYMENT)

THE MAIN REQUIREMENTS OF THE CONVENTION ⁴⁾

Scope of Convention: (Article 1)

The Convention applies to the whole field of employment outside of industrial, agricultural and maritime employment.

The competent authority must, after consultation with the principal organizations of employers and workers concerned, define the line of division separating non-industrial occupations from the types of employment covered by other minimum age Conventions.

The Convention does not apply to sea fishing, or to work done in technical and professional schools of a non-profit character, provided that such work is approved and supervised by public authority.

Family Undertakings: The competent authority may exempt from the application of the Convention - (a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous, within the meaning of Articles 3 and 5;
(b) domestic work in the family.

Minimum Age for Employment: (Article 2)

The Convention prohibits the employment in non-industrial occupations of children under 15 years of age or of children over that age who are still required by national laws or regulations to attend school, with the following exceptions.

⁴⁾ Articles 1 - 7 of the Convention are here paraphrased. The complete text of the Convention appears in the Appendix.

Employment on Light Work: (Article 3)

1. A child over 13 years of age may be employed on light work outside school hours, provided the work is not harmful to his health or normal development, or such as to prejudice school attendance or capacity to benefit from instruction given.
2. A child under 14 shall not be employed on light work for more than 2 hours per day, whether that day be a school day or a holiday and time spent at school and work shall not total more than 7 hours per day.
3. The number of hours per day during which a child over 14 years of age may perform light work must be prescribed by national laws or regulations.
4. Light work is prohibited:
 - (a) on Sundays and legal public holidays;
 - (b) during the night (for children under 14 years of age, a period of at least 12 hours comprising the interval between 8 p.m. and 8 a.m.; for children over 14 years, a period to be prescribed by national laws or regulations but the duration of which shall not be less than 12 hours except of tropical countries where a compensatory rest is accorded during the day).
5. After the principal organizations of employers and workers concerned have been consulted, national laws or regulations must specify what forms of employment may be considered to be light work and prescribe preliminary conditions to be complied with as safeguards before children may be employed on light work.

6. Subject to the provision that children may only be employed on work which is not harmful to their health or normal development, national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over 14 years of age.

Public Entertainments and the Making of Films: (Article 4)

Permits may be granted in individual cases allowing children to appear in public entertainments and cinematographic films, provided that no such exceptions shall be granted in respect of employment which is dangerous, strict safeguards are prescribed, and children are not employed after 12 midnight.

Dangerous Employment: (Article 5)

A higher age than 15 shall be fixed by national laws and regulations for employment which is dangerous to the life, health or morals.

Itinerant Occupations: (Article 6)

A higher age than that referred to in Article 2 shall be fixed for employment in itinerant occupations and employment for the purposes of itinerant trading in the streets or in places where the public has access, in cases where the conditions of such employment require that a higher age should be fixed.

Enforcement: (Article 7)

National laws and regulations shall:

- (a) provide for an adequate system of public inspection and supervision;
- (b) require every employer to keep a register of the names and dates of birth of all persons under 18 years of age, except those in itinerant occupations as listed under Article 6;
- (c) provide suitable means of identification and supervision of persons under the age specified for those in itinerant occupations as listed under Article 6;

(d) provide penalties for breach of laws and regulations giving effect to the Convention.

ACTUAL POSITION AND ACTION REQUIRED IN EACH JURISDICTION

NEWFOUNDLAND

Actual position

Minimum Age: The Employment of Children Act passed in 1968 ⁵⁾ (when in force) will apply to the employment of children in industrial as well as non-industrial undertakings.

The Act sets the minimum age for employment of children at 16 years of age except in family undertakings.

Family Undertakings: Under the Act, a child under the age of 16 is allowed to be employed by his parent or guardian in any employment in which only members of that parent or guardian's family are employed provided that the work is not unwholesome or harmful to the child's health or normal development and does not interfere with his attendance at school or his capacity to benefit from instruction there given; that the hours of work are limited to eight in a day and three on a school day and on any day the total of hours required for attendance at school and the hours worked does not exceed eight; that work between the hours of 9 p.m. and 8 a.m. is forbidden.

Employment of Children under 16: The Act provides that the Lieutenant-Governor in Council may by regulations allow the employment of children under 16 years of age in specified occupations under prescribed conditions and circumstances, including conditions as to minimum age of employment and as to minimum wages for such employment.

⁵⁾ see p. 15

Further, under the Act the Minister of Labour may by order prohibit the employment of a child under the age of 16 years for any reason that he deems sufficient.

Exemptions: Under the Act, the Lieutenant-Governor in Council may by regulations exempt any person or class of persons from the application of the Act or regulations.

Dangerous Employment: The Child Welfare Act makes it unlawful to employ a child under the age of 16 years in any occupation which is declared by the Lieutenant-Governor in Council to be prohibited occupations (s. 39(1)(b)). It is an offence to cause a child under 16 to be in a public place for the purpose of singing, playing or performing for profit or offering anything for sale, except for charitable and educational purposes when proper provision has been made to secure the health and kind treatment of the child.

Under the Employment of Children Act, the Lieutenant-Governor in Council may by regulations prohibit the employment of persons under the age of 18 years in any occupation specified in the regulations.

Further, by regulations, the Governor in Council may prescribe the circumstances under which and occupations in which persons under the age of 18 years may be employed, and fix the conditions and minimum wages for such employment.

Registers: The Child Welfare Act required every employer to keep a register of each child under 16 years of age employed by him. The register would contain the date of birth which the employer must verify (s. 39(2) and (3)). The Employment of Children Act goes further. It provides that every employer is required to obtain and keep on file a birth certificate or a statement of the date of birth acceptable to the Minister of Labour for

every employee under the age of 18 years until the employee reaches the age of 18. In addition, the employer must keep a register of the names, dates of birth, addresses and dates of commencement and termination of employment of all employees under the age of 18 years.

Enforcement: The Employment of Children Act provides for a system of inspection of business premises and records, and for prosecution of offences under the Act. Also, provisions are made for an advisory committee to assist the Minister of Labour in carrying out the purposes of the Act. On such a committee the Departments of Public Welfare, Education, Health and Labour would be represented.

Action required to achieve compliance with the Convention

The Employment of Children Act sets the minimum age for employment of children that is higher (16) than the standard provided in the Convention (15). It would appear that on the whole the Employment of Children Act, once in force, would satisfy the requirements of the Convention provided that the regulations issued by the Lieutenant-Governor in Council allowing the employment of children under 16 years, when applied to children under the age of 15, would take into consideration the provisions of article 3 of the Convention regarding light work.

Further, the regulations exempting any person or persons or any class or classes of persons from the application of any or all of the provisions of the Act or regulations should not contravene the provisions of the Convention. Also, it should be noted that under the Newfoundland Act a child under the age of 16 years is allowed to be employed in family undertakings provided, among others, that he must not work between the hours of 9 p.m. and 8 a.m. Under the Convention, night work for children under 14 years is prohibited from 8 p.m. to 8 a.m.

Suitable means of identification and supervision would be needed when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

PRINCE EDWARD ISLAND

Actual position

Minimum Age: No minimum age has been fixed for non-industrial occupations. The statutory school-leaving age is 15 years unless the child has completed courses in public school. Attendance is required for only 75 per cent of the term except in Charlottetown and towns where 90 per cent attendance is required. Exemptions may be granted for poverty; if the child is 12 years of age, the exemption may not last more than 6 weeks in a year.

Enforcement: The School Attendance Act provides for penalties (s. 138(2)).

Action required to achieve compliance with the Convention

Extensive legislation would be required, fixing a minimum age of 15 years or higher for all non-industrial occupations and a higher age for the dangerous occupations.

Light work would have to be defined and regulated in accordance with the Convention.

The new legislation would have to provide for the necessary measures of enforcement as prescribed in the Convention.

NOVA SCOTIA

Actual position

Minimum Age: The Employment of Children Act sets a minimum age of 14 years in the following occupations: garages and automobile service stations, hotels

and restaurants, operation of elevators, theatres, dance halls, shooting galleries, bowling alleys, billiard and pool rooms.

The statutory school-leaving age is 16 years in cities and towns and 14 years elsewhere; 15 and 16 years may be fixed locally. Exemptions may be granted not more than 6 weeks a year for farming, home duties or other necessary employment to children of 12 years of age. Children of 13 years may be exempted with employment certificate and, when deemed necessary, medical certificate. (Education Act, s. 107).

Light Work: In other occupations than those mentioned in the Employment Act, children under 14 years of age may not work more than 8 hours a day. During the school term, they may not work more than 3 hours a day unless an employment certificate authorizing the employment of the child has been issued under the Education Act. The time worked and the time required for attendance at school may not be longer than 8 hours a day. No work may be performed between 10 p.m. and 6 a.m.

Family Undertakings: The Employment of Children Act does not apply to family undertakings but the work should not be unwholesome or harmful to the child's health or normal development or prejudice his attendance at school.

Dangerous Employment: A higher age has been fixed for some occupations, for example, no person under 21 years of age may be allowed to serve liquor.

Enforcement: The Minimum Wage Act requires employers to keep a register of the names and ages of all their employees. Inspection and penalties are provided for in the Employment of Children Act.

Action required to achieve compliance with the Convention

In order to ensure full compliance with Convention 60, the Employment of Children Act would have to be amended to set a higher minimum age consistent

with the school-leaving age for employment in the occupations mentioned in its schedule. Such minimum age would also need to be fixed for all the non-industrial occupations not presently covered. Consideration would need to be given to the amendment of the provisions regulating light work, viz., children under 14 years of age should not be allowed to work more than 2 hours a day (on a school day or holiday), the time worked and the time required for attendance at school should not be longer than 7 hours (instead of 8), no work should be performed between 8 p.m. and 8 a.m. (instead of between 10 p.m. and 6 a.m.), and no employment certificate should be granted allowing children under 15 to work full time. Suitable means of identification and supervision would need to be provided when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

NEW BRUNSWICK

Actual position

Minimum Age: The New Brunswick Minimum Employment Standards Act prohibits the employment of a child under 16 years of age in any place of employment other than a private home or a farm, without written authorization of the Minister of Labour. During the school year no employment permit is granted without written comments by the Minister of Education advising that the child has been exempted from further attendance at school. Under the Schools Act, the statutory school-leaving age is 15 except when the child has completed grade 12.

The Minister of Education may grant a certificate relieving the child from school attendance if the child's parent applies in writing and if the Minister agrees with the reasons of such application.

It is unlawful to employ during school hours a child who is required under the Education Act to be in attendance at school (s. 48).

Family Undertakings: "Employee" under the New Brunswick Minimum Employment Standards Act does not include a child employed by his parent or guardian.

Dangerous Employment: The Minister of Labour is enabled, under the Minimum Employment Standards Act, to prohibit young persons under the age of 18 years from engaging in any employment deemed to be dangerous or injurious to the health or welfare of such young person (s. 6).

A higher age has been fixed for some occupations, for example, under the Liquor Control Act, no waiter's licence shall be given to a person under 21 years of age.

Enforcement: Under the Minimum Employment Standards Act an employer must obtain and produce birth certificates of any child under 16 or young person under 18, when requested to do so by an inspector. Under the Minimum Wage Act, employers are required to keep records which include names and ages of all employees.

The Minimum Employment Standards Act provides for inspection, and for penalties in case of failure to comply with the provisions of the Act.

Action required to achieve compliance with the Convention

The existing legislation would be in line with the Convention to a large extent provided it prohibited the employment of children under 15 in family undertakings where such employment is deemed to be dangerous, and provided authorizations to work were restricted to children from 15 to 16 or complied with the Convention's requirements with respect to light work.

Legislation would be required to define and regulate light work in accordance with the Convention.

Suitable means of identification and supervision would have to be provided when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

QUEBEC

Actual position

Minimum Age: The Industrial and Commercial Establishments Act, as amended in 1968, provides that an employer in a commercial establishment, a person carrying on any industry, trade or business for any owner, tenant or manager of a theatre, moving picture hall, club, amusement hall, arena, hotel or restaurant, a telegraph company employing messengers or printers or agents who distribute advertisements or hand-bills, or owners of department stores who employ messengers may not employ a boy or girl under 16 years of age. However, students 15 years of age are allowed to work during school vacations if they have obtained a permit from the inspector. A minimum age of 16 is also set for the sale of newspapers or street trades, unless the child is able to read and write fluently.

The statutory school-leaving age is 15 years.

Family Undertakings: Family undertakings are exempted from the regulations fixing minimum age for employment unless classified by the Lieutenant-Governor in Council as dangerous or where such employment involves work with steam boilers or other motors.

Dangerous Employment: The Industrial and Commercial Establishments Act authorizes the Lieutenant-Governor in Council to prohibit employment of young persons under the age of 16 years for boys and under 18 years for girls in industrial and commercial establishments deemed to be dangerous or unwholesome. This power has been exercised and Quebec regulations list 3 classes of industrial establishments in which work is prohibited or restricted.

A higher age has also been fixed for some non-industrial occupations. For example, a young person applying for a licence of moving-picture operator must be not less than 18 years of age (Electricians and Electrical Installations Act, s. 21).

Enforcement: The employer or head of any industrial or commercial establishment is required to keep a register in which the names and ages of all his employees are recorded. If required, the employer of a boy or girl must produce for an inspector a certificate of age signed by the parents, guardian or physician, and keep such certificate on file.

The Act provides for an inspection service and for penalties for contraventions of the provisions of the Act by parents and employers.

Action required to achieve compliance with the Convention

The 1968 amendment to the Industrial and Commercial Establishments Act brought the minimum age in non-industrial employments in compliance with the requirements of the Convention. The new minimum age of 16 years is one year higher than the statutory school-leaving age in the province which is 15 years.

To assure full compliance with the Convention, all non-industrial occupations which are not covered by the existing legislation would have to be included.

Suitable means of identification and supervision would have to be provided when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

ONTARIO

Actual position

Minimum Age: The Industrial Safety Act applies to industrial (factories) and non-industrial (shops, offices and office buildings) occupations and sets the minimum age for employment at 15 years. Under the Act there is no exception from the minimum age of 15 in the case of employment in factories; however, the Act provides that a child who is 14 years of age could be employed in a shop, office or office building under conditions prescribed by the regulations (s.24). The term "shop" includes a restaurant, bowling alley, pool room and billiard parlour.

Regulation 196/64 specified that the employment of a child of 14 years in shops and offices is allowed provided that such employment is not likely to endanger his safety and, in the case of employment during school hours, he has an employment certificate issued in accordance with the Schools Administration Act permitting him to be absent from school.

The 1968 amendment to the Schools Administration Act repealed the provision that allowed the issuing of a work permit for employment of a child under 14 years and between 14 and 16 years when his services were needed in farming, home duties, or his own maintenance or other persons dependent on him. As a result of this amendment, children under the statutory school-leaving age, which is 16 years (unless the child has completed secondary school), cannot

be employed any more in shops and offices, except outside the hours fixed for school attendance.

Dangerous Employment: A higher age has been set for some non-industrial occupations in the province. For example, the Liquor Licence regulations state that no person under 21 years of age shall be employed to serve liquor.

Enforcement: Under the Minimum Wage Act, an employer must keep records of the ages of employees under 18. The Industrial Safety Act provides for inspection and penalties.

Action required to achieve compliance with the Convention

It would be desirable to amend the existing legislation so as to provide for a minimum age for employment consistent with the school-leaving age for all non-industrial occupations, including those which are not covered by legislation. Such amendments would be in line with the 1968 amendment to the Schools Administration Act that repealed provisions regarding exemptions from school attendance of children under 16 years of age.

Employment of children on light work outside the hours fixed for school attendance would have to be regulated according to the Convention.

When a higher age than the minimum set out in the Convention is fixed for employment in itinerant trading or occupations and employment in places where the public has access (Art. 6 of the Convention), then suitable means of identification and supervision would have to be provided.

MANITOBA

Actual position

Minimum Age: The Manitoba Employment Standards Act applies to industrial and non-industrial employment. The non-industrial employment within the

meaning of the Convention is covered by the definition of the term "industry" in the Act, which includes any business, calling, trade, profession, work or occupation except farming (s.2(1)(n)). The Act, as amended in 1968, defines a "child" as a person under the age of 16 years, and an "adolescent" as a person between 16 and 18 years. In general, the Act prohibits the employment of children in any employment within the scope of the Convention unless a written permit is obtained from the Minister of Labour (s.8(a)). The determining factor in the Minister's issuing of permits is the prohibition in clause (c) of s.8 of the Act that "no child shall be employed in such a manner, or upon such work or service, that its safety, health, or moral well-being may be hurtfully affected". The new minimum age of 16 for employment conforms with the statutory school-leaving age in the province which also is 16 years; exemptions from school attendance may be granted to children over 12 years of age for not more than 4 weeks in a year if their services are needed in husbandry or home duties. Also, children over 15 years of age who have a certificate signed by a parent, the school attendance officer and school superintendent or inspector may be exempted from school attendance.

Dangerous Employment: Under the Employment Standards Act the Lieutenant-Governor in Council is empowered to prohibit or regulate by order any employment of young persons between 16 and 18 years of age when he deems such employment to be dangerous, unwholesome or unhealthy (s. 33(2)). A higher age has been fixed for some non-industrial occupations by particular regulations. For example, no beverage waiter's licence can be issued to a person under the age of 21 years.

Enforcement: There is no obligation on the part of employers to keep a register of all persons under the age of 18 years and of the dates of their births. A prospective employer is required to make an application for a permit on a form on which he states the age of the child. The application

form is counter-signed by the parent and the school principal. The Employment Standards Act provides for inspection and penalties in case of contravention of the provisions of the Act.

Action required to achieve compliance with the Convention

Under the Employment Standards Act (as amended in 1968) the minimum age for employment would comply with the requirements of the Convention provided that the permits for employment of children under the age of 16 years would not be granted in contravention of article 3 of the Convention. Consequently, legislation might be necessary to regulate light work in accordance with the Convention. Also, a provision would need to be adopted requiring employers to keep registers of the names and dates of births of all employees under the age of 18 years.

Suitable means of identification and supervision would have to be provided when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

SASKATCHEWAN

Actual position

Minimum Age: Under the minimum wage regulations, a minimum age of 16 years is prescribed for the employment of children in hotels, restaurants, hospitals, nursing homes and educational institutions. The statutory school-leaving age is 16 years unless the child has passed grade 8 (School Attendance Act ss. 3, 4).

Dangerous Employment: An age higher than 16 years has been fixed for some non-industrial occupations. For example, regulations under the Liquor Act provide that the minimum age to serve beer is 21 years, and the regulations under the Theatres and Cinematographs Act provide that operators must have attained the age of 18 years and apprentices 17 years.

Public Entertainments: The Child Welfare Act provides that, in the case of entertainment, the mayor of a city or town or overseer of a village or the Minister of Welfare may grant a licence permitting a child to work for such time and during such hours of the day (not to exceed 7 hours a day) and subject to any conditions he thinks fit. The licence may be revoked at any time (s. 43(2)).

Enforcement: The Minimum Wage Act requires employers to keep registers showing names and addresses of all their employees. It also provides for inspection and penalties.

Action required to achieve compliance with the Convention

To achieve full compliance with the Convention, it would be necessary to fix a minimum age for all non-industrial occupations not now covered that would be consistent with the school-leaving age. Light work would have to be defined and regulated in accordance with the Convention.

The present provisions governing employers' registers would need to be amended to require the recording of the dates of births of employees under 18 years of age.

Suitable means of identification and supervision would have to be provided when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

ALBERTA

Actual position

The Alberta Labour Act prohibits the employment of a child under 15 years of age in a factory, shop, or an office building. "Shops" include hotels and restaurants. No child under 15 years may be employed in any other type of employment except with the approval of the administrative board and the consent of parents or guardian (s. 34(1)(b)).

Exceptions are permitted, subject to certain safeguards. The statutory school-leaving age in the province is 16, with some exemptions in the case where the child's services are needed in farming, home duties or maintenance of himself or others.

Light Work: The labour regulations allow a child over 12 years of age to be employed in certain occupations:

- (a) Clerk or delivery boy or girl in a retail store;
- (b) Vendor of newspapers and small wares;
- (c) Clerk or messenger in an office;
- (d) Express or dispatch messenger;
- (e) Shoe shiner;
- (f) Water boy on a construction project;
- (g) Gardener and landscaper.

The child may not be employed more than two hours on a school day or more than 8 hours on any other day. He may not be employed after 8 p.m.

Dangerous Employment: The Alberta Labour Act enables the Lieutenant-Governor in Council to prohibit young persons under 18 from engaging in harmful employment. He is empowered to impose such conditions with respect to employment of persons of 15 to 18 years in any specific occupation, as he considers proper (Alberta Labour Act, s. 34(3)(b) and (c)). No such regulations have been adopted, but a higher age has been fixed for some non-industrial occupations by regulations under other Acts. For example, the Liquor Control regulations provide that no person under the age of 21 years shall be employed in any connection with the sale, handling or serving of liquor in or about a licenced dining lounge or lounge or beer parlour.

Enforcement: Under the Labour Act, employers are required to maintain a register showing the names and ages of all their employees. The Act provides for an inspection service and penalties.

Action required to achieve compliance with the Convention

Since the statutory school-leaving age is 16 years, the minimum age for employment in non-industrial occupations would have to be 16 years as well, to ensure full compliance with Convention 60.

The authorization of the administrative board to employ children under 16 would have to be limited to the case of light work, defined and regulated in accordance with the Convention. Amendments to the existing regulations on light work would be required to ensure compliance with the Convention. The regulations would have to be applicable to children over 13 years instead of over 12 years of age. According to the Convention, children between 13 and 14 years should not be allowed to work more than 2 hours a day on a school day or holiday, and, the total number of hours spent at school and at light work should not exceed 7 hours a day.

Suitable means of identification and supervision would have to be provided when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

BRITISH COLUMBIA

Actual position

Minimum Age: The Control of Employment of Children Act sets a minimum age for employment at 15 years. A child may not be employed in the catering industry, a public place of amusement, wholesale or retail trade, a shoeshine stand, an automobile service station or in the laundry, cleaning and dyeing industry except with a permit from the Minister of Labour. The permit must set out the conditions under which the child may be employed and the number of hours per day which he may work (s. 3). The statutory school-leaving age in the province is 15 unless the child has completed the course at the nearest public school and transport to higher school is not provided.

Dangerous Employment: A higher age is fixed for some non-industrial occupations. For example, the regulations under the Government Liquor Act provide that no person under the age of 21 years shall be employed in the sale of liquor.

Enforcement: Under the Minimum Wage Acts, employers are required to maintain a register showing the names and ages of all their employees (Male Minimum Wage Act, s. 15, Female Minimum Wage Act, s. 17).

Penalties are provided for in the Control of Employment of Children Act.

Action required to achieve compliance with the Convention

A minimum age of 15 years or higher would be required for all the non-industrial occupations that are not covered by existing legislation.

It would be necessary to repeal the provision allowing for exemptions by permit for the employment of children in full-time occupations.

Light work would need to be defined and regulated in accordance with the Convention.

It would also be necessary to ensure that all provisions concerning minimum age are enforced by a suitable inspection service.

Suitable means of identification and supervision would have to be provided when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

YUKON AND NORTHWEST TERRITORIES

Actual position

Minimum Age: The Labour Standards Ordinance of the Northwest Territories, 1967, and the Labour Standards Ordinance of the Yukon Territory, 1968, apply to employment upon or in connection with operation of any industrial establishment. Both ordinances describe "industrial establishment" as any work, undertaking or business of a local or private nature.

The Ordinance of the Northwest Territories does not apply to domestic servants in private homes, trappers and persons engaged in commercial fisheries, managers or superintendents or persons exercising management functions. Members or students of designated professions may be excluded by regulations.

Both Ordinances set out the minimum age for employment at 17 years.

The employment of persons under 17 years is permitted in occupations and subject to conditions (including minimum wage rates) as may be specified by regulations.

The statutory school-leaving age is 15 years both in the Yukon and in the Northwest Territories.

Dangerous Employment: A higher minimum age has been fixed for some occupations. For example, moving picture operators in the Yukon must be at least 18 years old.

Records and Enforcement: Both Ordinances require the employers to keep records regarding hours of work, wages and other conditions of employment of their employees. The Ordinance of the Northwest Territories also requires that records indicate the age of all employees under 17 years. Both Ordinances provide for inspection and penalties in case of non-compliance.

Action required to achieve compliance with the Convention

The minimum age for employment provided in both Ordinances is higher than required by the Convention.

The present legislation would meet the requirements of the Convention provided that regulations allowing the employment of persons under the age of 17 years would take into consideration provisions of the Convention regarding light work, dangerous employment and itinerant occupations. Light work would need to be defined and regulated in accordance with the Convention.

Dates of birth of all employees under 18 years would need to be recorded in the registers kept by employers.

Suitable means of identification and supervision would have to be provided when a higher age than the minimum set out in the Convention is required for employment in itinerant occupations and employment in places where the public has access.

FEDERAL JURISDICTION

Actual position

Minimum Age: The Canada Labour (Standards) Code applies to industrial and non-industrial employment within federal jurisdiction. The Code and regulations set the minimum age for employment at 17 years in any office, plant, service, transportation, communication, construction, maintenance, repair or other occupations in a federal work, undertaking or business. This would apply to telecommunications, banks and other non-industrial occupations. A person under the age of 17 years may be employed only if not required to be in attendance at school under the law of the province in which he is ordinarily a resident and if the work in which he is to be employed is not underground in a mine, prohibited by particular legislation, or likely to be injurious to his health. Further, a person under 17 years cannot be required to work between 11 p.m. and 6 a.m.

Dangerous employment: A higher age than 15 years in case of dangerous employment is implied in the provisions referred to above.

Enforcement: Every employer must keep a register showing the names, addresses, and age, if under 17 years, of all his employees. Inspection and penalties (in case of non-compliance) are provided for in the Code.

Action required to achieve compliance with the Convention

In order to ensure full compliance with the Convention, there might be a need to regulate light work and work undertaken outside school hours. There

is a possibility that young persons between 14 and 15 years could be employed in an occupation under federal jurisdiction in those provinces where the school-leaving age is 14 years in some rural areas or where employment permits may be granted to children under school-leaving age. The registers kept by the employers would have to indicate the date of birth of every employee under the age of 18 years.

ACTION REQUIRED TO BRING LEGISLATION IN EACH JURISDICTION
IN CANADA INTO CONFORMITY WITH CONVENTION 123
(MINIMUM AGE FOR EMPLOYMENT UNDERGROUND IN MINES)

THE MAIN REQUIREMENTS OF THE CONVENTION ⁶⁾

Scope of Convention: (Article 1)

Convention 123 applies to employment underground in mines. "Mines" means "any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth by means involving the employment of persons underground".

The Convention also applies to work underground in quarries.

Minimum Age: (Article 2)

1. Persons under a specified minimum age shall not be allowed to work underground in mines.
2. Each Member of the ILO, when ratifying the Convention, shall specify the minimum age in a declaration appended to ratification.
3. In no case the minimum age shall be less than 16 years.

Higher Age notified to ILO: (Article 3)

A Member which has ratified the Convention may subsequently notify the ILO of a higher minimum age by a further declaration.

Enforcement: (Article 4)

1. The competent authority shall take all necessary measures (including appropriate penalties) to ensure the effective enforcement of the Convention.

⁶⁾ Articles 1 - 5 of the Convention are here paraphrased. The complete text of the Convention appears in the Appendix.

2. For the purpose of supervising the application of the Convention each Member which ratifies the Convention undertakes either to maintain an appropriate inspection service or to satisfy itself that appropriate inspection is carried out.
3. National laws or regulations shall define the persons responsible for compliance with the provisions of the Convention.
4. In respect of persons who are employed underground and who are less than two years older than the specified minimum age, the employer shall keep and make available to inspectors, records indicating:
 - (a) the date of birth duly certified wherever possible; and
 - (b) the date at which the person was employed underground in the undertaking for the first time.
5. At the request of the workers' representatives the employer shall make available lists of persons employed underground and who are less than two years older than the specified minimum age; such lists shall contain the dates of birth and the dates at which such persons were employed underground in the undertaking for the first time.

Consultation with Workers and Employers Organizations: (Article 5)

The determination of the specified minimum age (Art. 2) and of a higher age than that specified at the time of ratification (Art. 3) shall be made after consultation with the most representative organizations of employers and workers concerned.

ACTUAL POSITION AND ACTION REQUIRED IN EACH JURISDICTION

NEWFOUNDLAND

Actual position

Minimum Age: Under the Mines (Safety of Workmen) Regulations, no person under 18 years shall be employed underground at any time (s. 3(2)). The regulations cover all types of mines and quarries.

Enforcement: Penalties are provided for against any person who contravenes the provisions of the Regulation of Mines Act and the regulations. An inspection service is provided for in the Act and the regulations. The Act indicates who are the persons responsible for taking all necessary and reasonable measures to enforce the provisions of the Act and of the regulations (s. 17). Every mine operator must keep a record of the medical certificates held by his employees employed in a dust exposure occupation (i.e., inter alia, all underground occupations) and an inspector may at any time examine and make extracts of this record. The medical certificate mentions the date of birth of its holder. This rule does not apply to persons engaged in a dust exposure occupation for a total period of 50 hours or less in each month. The rule allows for other minor exceptions as well.

Action required to achieve compliance with the Convention

The minimum age for employment underground in mines and quarries in the province is two years higher than the minimum age set out in the Convention. The enforcement measures appear to be in line with the Convention. If, for the purpose of ratification of the Convention, Canada would declare 16 years as the specified minimum age, there would be no need for implementing the requirements of subsections 4 and 5 of Article 4 of

the Convention regarding the keeping of records (and supplying such records to workers' representatives) of persons employed underground in mines and who are less than two years older than the specified minimum age. This would be so because the employment underground in mines of persons up to the age of 18 years is prohibited in the province.

The need for implementing subsections 4 and 5 of Article 4 of the Convention would arise only if, for the purpose of ratification, Canada would declare the specified minimum age higher than 16 years.

PRINCE EDWARD ISLAND

No mines are operated in the province.

NOVA SCOTIA

Actual position

Minimum Age: Both the Coal Mines Regulation Act and the Metalliferous Mines and Quarries Regulation Act state that no boy under 18 shall be employed underground in any mine.

Enforcement: Penalties are provided for in both Acts against anyone who violates their provisions.

An inspection service is provided for in both Acts.

Both Acts indicate who are the persons responsible to enforce the rules.

Action required to achieve compliance with the Convention

The minimum age for employment underground in mines and quarries in the province is two years higher than the minimum age set out in the Convention. The enforcement measures appear to be in line with the Convention.

If, for the purpose of ratification of the Convention, Canada would declare 16 years as the specified minimum age, there would be no need for implementing the requirements of subsections 4 and 5 of Article 4 of the Convention regarding the keeping of records (and supplying such records to workers' representatives) of persons employed underground in mines and who are less than two years older than the specified minimum age. This would be so because the employment underground in mines of persons up to the age of 18 years is prohibited in the province.

The need for implementing subsections 4 and 5 of Article 4 of the Convention would arise only if, for the purpose of ratification, Canada would declare the specified minimum age higher than 16 years.

NEW BRUNSWICK

Actual position

Minimum Age: The minimum age for work underground in a coal mine is 16 years (Regulations under the Mining Act governing the operation of coal mines, s. 37); the minimum age for working underground in a metalliferous mine or quarry is 18 years (Regulations under the Mining Act governing the operation of mines and quarries, s. 33).

Enforcement: The Mining Act and the regulations provide for penalties against persons who violate their provisions.

An inspection service is provided for in the Mining Act and the duties and powers of the inspectors are described in more detail in the regulations. A register is kept in all mines in which is entered the name, age, nationality, residence and the date of first employment of every person who is employed in the mine below ground.

The Mining Act entrusts the charge of administering the Act to the Director

of Mines under the direction of the Minister of Mines. The regulations governing the operation of coal mines as well as those governing the operation of mines and quarries describe the respective responsibilities of owners, managers, inspectors, workmen, contractors, subcontractors and others for carrying out the rules.

Action required to achieve compliance with the Convention

The minimum age for employment underground in coal mines in the province is the same as the minimum age set out in the Convention, that is, 16 years. In metalliferous mines or quarries, the minimum age is two years higher than that provided in the Convention.

To achieve full compliance with the Convention, it might be necessary, insofar as employment underground in coal mines is concerned, to implement subsection 4 and particularly subsection 5 of Article 4 of the Convention regarding the keeping of records (and supplying such records to the workers' representatives) of persons employed underground and who are between 16 and 18 years of age.

This would not apply to those employed underground in metalliferous mines where the minimum age for employment underground in the province is 18 years, if at the time of ratification Canada would declare 16 years as a specified minimum age.

QUEBEC

Actual position

Minimum Age: The minimum age for employment underground in a mine is 18 years under the Mining Act, which applies to all kinds of mines and quarries (s. 257).

Enforcement: The Act provides for penalties against any person who violates its provisions or those of the regulations.

An appropriate inspection service is provided for (s. 265).

There are no provisions for special registers, other than the records employers must keep under the Minimum Wage Act or other legislation. The Minister of

Natural Resources has charge of administering the Act with the help of a "Bureau des mines".

Action required to achieve compliance with the Convention

The minimum age for employment underground in mines and quarries in the province is two years higher than the minimum age set out in the Convention.

The enforcement measures appear to be in line with the Convention.

If, for the purpose of ratification of the Convention, Canada would declare 16 years as the specified minimum age, there would be no need for implementing the requirements of subsections 4 and 5 of Article 4 of the Convention regarding the keeping of records (and supplying such records to workers' representatives) of persons employed underground in mines and who are less than two years older than the specified minimum age. This would be so because the employment underground in mines of persons up to the age of 18 years is prohibited in the province. The need for implementing subsections 4 and 5 of Article 4 of the Convention would arise only if, for the purpose of ratification, Canada would declare the specified minimum age higher than 16 years.

ONTARIO

Actual position

Minimum Age: The Mining Act fixes the minimum age for employment underground at 18 years (s. 162). The Act applies to all mines and quarries.

Enforcement: Penalties are provided for in the Act against every person who contravenes its provisions.

An appropriate service of inspection is provided for.

The Act indicates the persons responsible for taking all necessary and appropriate measures to enforce its provisions.

The manager or superintendent of the mine may require his employees to deliver to him and leave in his custody their medical certificates during the period of their employment. This certificate is compulsory for all employees employed in dust-exposure occupations and contains information about their identity, age, etc.

Action required to achieve compliance with the Convention

The minimum age for employment underground in mines and quarries in the province is two years higher than the minimum age set out in the Convention.

The enforcement measures appear to be in line with the Convention.

If, for the purpose of ratification of the Convention, Canada would declare 16 years as the specified minimum age, there would be no need for implementing the requirements of subsections 4 and 5 of Article 4 of the Convention regarding the keeping of records (and supplying such records to workers' representatives) of persons employed underground in mines and who are less than two years older than the specified minimum age. This would be so because the employment underground in mines of persons up to the age of 18 years is prohibited in the province.

The need for implementing subsections 4 and 5 of Article 4 of the Convention would arise only if, for the purpose of ratification, Canada would declare the specified minimum age higher than 16 years.

MANITOBA

Actual position

Minimum Age: Regulations under the Mines Act, which apply to all mines and quarries, fix the minimum age for employment below ground at 18 years.

Enforcement: Penalties are provided for against any person contravening the Act or the regulations.

An appropriate inspection service is provided for by the Mines Act.

The Act states that the Minister may appoint persons as inspectors for the purpose of enforcing the Act and the regulations (s. 41(a)).

Action required to achieve compliance with the Convention

The minimum age for employment underground in mines and quarries in the province is two years higher than the minimum age set out in the Convention.

The enforcement measures appear to be in line with the Convention.

If, for the purpose of ratification of the Convention, Canada would declare 16 years as the specified minimum age, there would be no need for implementing the requirements of subsections 4 and 5 of Article 4 of the Convention regarding the keeping of records (and supplying such records to workers' representatives) of persons employed underground in mines and who are less than two years older than the specified minimum age. This would be so because the employment underground in mines of persons up to the age of 18 years is prohibited in the province.

The need for implementing subsections 4 and 5 of Article 4 of the Convention would arise only if, for the purpose of ratification, Canada would declare the specified minimum age higher than 16 years.

SASKATCHEWAN

Actual position

Minimum Age: Under the Mines Regulation Act (which also covers quarries), the minimum age for employment underground in metalliferous mines is 18 (s. 57(a)). Under the Factories Act, the minimum age for employment underground in coal mines and potash mines is 16. (Coal mines and potash mines are considered to be factories for the purposes of the Factories Act).

Enforcement: Penalties are provided for in the Mines Regulation Act and in the Factories Act.

An appropriate inspection service is provided for in both Acts, as well as in the Coal Miners' Safety and Welfare Act.

The regulations under the Mines Regulation Act and the Coal Miners' Safety and Welfare Act provide that the owner, agent or manager of a mine must keep a register of the name, age, residence and date of first employment of all persons employed in connection with the mine. Inspectors have authority to examine these registers. The Mines Regulation Act and regulations made under it make the inspector, manager, owner and workmen responsible for carrying out the rules.

Action required to achieve compliance with the Convention

The minimum age for employment underground in coal and potash mines is the same as the minimum age set out in the Convention, that is, 16 years. In metalliferous mines and quarries, the minimum age is two years higher than that provided in the Convention.

To achieve full compliance with the Convention there might be a need, where employment underground in coal and potash mines is concerned, to implement subsection 4 and particularly subsection 5 of Article 4 of the Convention regarding the keeping of records (and supplying such records to the workers' representatives) of persons employed underground and who are between 16 and 18 years of age. (See page 26, section referring to registers.)

This might not necessarily apply to those employed underground in metalliferous mines and quarries where the minimum age for employment underground in the province is 18 years, if, at the time of ratification, Canada would declare 16 years as the specified minimum age.

ALBERTA

Actual position

Minimum Age: Under the Coal Mines Regulation Act, the minimum age for employment underground is 17 years. Under the Quarries Regulation Act, the minimum age for employment in a quarry is 16 years. There are almost no metalliferous mines operated in the province.

Enforcement: Penalties are provided for in the Acts against any person who contravenes their provisions.

An appropriate inspection service is also provided for in the Coal Mines Regulation and the Quarries Regulation Acts.

Every employer must keep a book with the name, age, residence, certificate number, and date of first employment of each person employed in connection with the mine.

Since the inspector may require the employer to produce any report book, the employers' book mentioned is thus open to inspection.

The owner, agent or manager of each mine is responsible for conducting all operations in connection with the mine in accordance with the Act and the regulations and any order properly made thereunder.

Action required to achieve compliance with the Convention

The minimum age for employment underground in coal mines is one year higher than the minimum age set out in the Convention. Regarding quarries, the minimum age is the same as in the Convention.

If, for the purpose of ratification of the Convention, Canada would declare 16 years as the specified minimum age, it might be necessary to implement specific provisions of subsection 4 and particularly of subsection 5 of Article 4 of the Convention regarding the keeping of records (and supplying such records to the workers' representatives) of all persons between 17 and 18 years of age employed underground in coal mines and between 16 and 18 years employed underground in quarries.

BRITISH COLUMBIA

Actual position

Minimum Age: The minimum age for employment underground is 17 years in coal mines (Coal Mines Regulation Act, s. 30(2)), and 18 years in metal mines and all other mines and quarries (Mines Regulation Act, s. 17(2)). In the latter case, young persons over 17, may, however, be trained underground under such conditions as the Chief Inspector shall prescribe.

Enforcement: Penalties and an appropriate inspection service are provided for in both Acts.

The owner, manager or agent of a metalliferous mine must keep a register of name, age, nationality, residence and date of first employment of any person who works underground.

The Mines Regulation Act indicates the persons responsible for taking all necessary and appropriate measures to enforce the provisions of the Act and the regulations.

The Coal Mines Regulation Act states that the owner, agent and manager are responsible for strict compliance with the provisions of the Act.

Action required to achieve compliance with the Convention

The minimum age for employment underground in coal mines is one year higher than the minimum age set out in the Convention. In cases of metal and other mines and quarries, the minimum age in the province is two years higher, except when a young person who has reached the age of 17 years may, for the purpose of training, be employed underground.

If, for the purpose of ratification, Canada would declare 16 years as a specified minimum age, then there would be a need, where necessary, to implement subsections 4 and 5 of Article 4 of the Convention regarding the keeping of records of persons employed underground in the mines between 17 and 18 years of age, and supplying such records, on request, to the workers' representatives.

YUKON AND NORTHWEST TERRITORIES

Actual position

Minimum Age: The Mining Safety Ordinance of the Yukon and the Mining Safety Ordinance of the Northwest Territories set a minimum age of 18 years for employment underground. Both Ordinances apply to all kinds of mines and quarries covered by the Convention.

Enforcement: Both Ordinances provide for penalties against persons who violate their provisions, and for an appropriate inspection service.

Both texts give to the Commissioner the power to make regulations for the carrying out of the Ordinances and state that managers, foremen, etc., must take all reasonable measures to enforce the Ordinances.

Employers keep in their custody the medical certificates of their employees during the period of employment. In the Northwest Territories, however, miners may be exempted from the obligation of holding such a certificate if they are employed for less than 50 hours a month in dust-exposure occupations, or if the mines do not contain silica in quantity likely to produce silicosis.

Action required to achieve compliance with the Convention

The minimum age for employment underground in mines and quarries in both Territories is two years higher than the minimum age set out in the Convention.

The enforcement measures appear to be in line with the Convention.

If, for the purpose of ratification of the Convention, Canada would declare 16 years as the specified minimum age, there would be no need for implementing the requirements of subsections 4 and 5 of Article 4 of the Convention regarding the keeping of records (and supplying such records to workers' representatives) of persons employed underground in mines and who are less than two years older than the specified minimum age. This would be so because the employment underground in mines of persons up to the age of 18 years is prohibited in the Territories.

The need for implementing subsections 4 and 5 of Article 4 of the Convention would arise only if, for the purpose of ratification, Canada would declare the specified minimum age higher than 16 years.

FEDERAL JURISDICTION

Actual position

Uranium Mines, the Hudson Bay Mining and Smelting Co. Ltd. and certain coal mines in Cape Breton area of Nova Scotia are under federal jurisdiction.

In cases of uranium mines, permits to carry on mining operations are issued subject to compliance with provincial mining safety standards. The minimum age for employment underground in uranium mines is subject to the legislation of the province where the mines are actually located.

The employment underground in the case of the Hudson Bay Mining and Smelting Co. Ltd. is subject to the Canada Labour (Standards) Code; under the Code the minimum age for employment underground in a mine is 17 years (Canada Labour Code Regulations (General) s. 9(1)(b)(i)).

The minimum age for employment underground in coal mines under federal jurisdiction in Cape Breton area of Nova Scotia will be 18 years and six months pursuant to regulations made under the Canada Labour (Safety) Code now in preparation. *

Enforcement: The Canada Labour (Standards) Code provides for appropriate inspection and for penalties.

Action required to achieve compliance with the Convention

Under the Canada Labour (Standards) Code the minimum age for employment underground in mines is one year higher than the minimum age set out in the Convention. If, for the purpose of ratification of the Convention, Canada would declare 16 years as the specified minimum age, there would be a need to take measures under the Code that would implement the specific requirements of subsections 4 and 5 of Article 4 of the Convention regarding the keeping of records and supplying such records for the workers' representatives (when requested) of persons between 17 and 18 years of age employed underground.

* Coal Mines (CBDC) Safety Regulations, SOR/69-31 were published on February 12, 1969, in the Canada Gazette Part II, Volume 103, No. 3.

APPENDIX

FULL TEXTS OF CONVENTIONS

10, 59, 60 and 123

International Labour Conference

Conférence internationale du Travail

CONVENTION 10

CONVENTION CONCERNING THE AGE FOR ADMISSION
OF CHILDREN TO EMPLOYMENT IN AGRICULTURE,
ADOPTED BY THE CONFERENCE AT ITS
THIRD SESSION, GENEVA, 16 NOVEMBER 1921
(as modified by the Final Articles Revision Convention, 1946)

CONVENTION 10

CONVENTION CONCERNANT L'AGE D'ADMISSION DES
ENFANTS AU TRAVAIL DANS L'AGRICULTURE,
ADOPTÉE PAR LA CONFÉRENCE A SA
TROISIÈME SESSION, GENÈVE, 16 NOVEMBRE 1921
(telle qu'elle a été modifiée par la Convention portant revision
des articles finals, 1946)

Convention 10

**CONVENTION CONCERNING THE AGE FOR ADMISSION OF
CHILDREN TO EMPLOYMENT IN AGRICULTURE.**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and

Having decided upon the adoption of certain proposals with regard to the employment of children in agriculture during compulsory school hours, which is included in the third item of the agenda of the Session, and

Having determined that these proposals shall take the form of an international Convention,

adopts the following Convention, which may be cited as the Minimum Age (Agriculture) Convention, 1921, for ratification by the Members of the International Labour Organisation in accordance with the provisions of the Constitution of the International Labour Organisation :

Article 1

Children under the age of fourteen years may not be employed or work in any public or private agricultural undertaking, or in any branch thereof, save outside the hours fixed for school attendance. If they are employed outside the hours of school attendance, the employment shall not be such as to prejudice their attendance at school.

Article 2

For purposes of practical vocational instruction the periods and the hours of school attendance may be so arranged as to permit the employment of children on light agricultural work and in particular on light work connected with the harvest, provided that such employment shall not reduce the total annual period of school attendance to less than eight months.

Article 3

The provisions of Article 1 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4

The formal ratifications of this Convention, under the conditions set forth in the Constitution of the International Labour Organisation, shall be communicated to the Director-General of the International Labour Office for registration.

**CONVENTION CONCERNANT L'ÂGE D'ADMISSION DES
ENFANTS AU TRAVAIL DANS L'AGRICULTURE.**

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail et s'y étant réunie le 25 octobre 1921, en sa troisième session,

Après avoir décidé d'adopter diverses propositions relatives à l'emploi des enfants dans l'agriculture pendant les heures d'école obligatoires, question comprise dans le troisième point de l'ordre du jour de la session, et

Après avoir décidé que ces propositions prendraient la forme d'une convention internationale,

adopte la convention ci-après, qui sera dénommée Convention sur l'âge minimum (agriculture), 1921, à ratifier par les Membres de l'Organisation internationale du Travail conformément aux dispositions de la Constitution de l'Organisation internationale du Travail :

Article 1

Les enfants de moins de quatorze ans ne pourront être employés ou travailler dans les entreprises agricoles publiques ou privées ou dans leurs dépendances, qu'en dehors des heures fixées pour l'enseignement scolaire, et ce travail, s'il a lieu, doit être tel qu'il ne puisse nuire à leur assiduité à l'école.

Article 2

Dans un but de formation professionnelle pratique, les périodes et les heures d'enseignement pourront être réglées de manière à permettre d'employer les enfants à des travaux agricoles légers et, en particulier, à des travaux légers de moisson. Toutefois, le total annuel de la période de fréquentation scolaire ne pourra être réduit à moins de huit mois.

Article 3

Les dispositions de l'article 1 ne s'appliqueront pas aux travaux effectués par les enfants dans les écoles techniques pourvu que ces travaux soient approuvés et contrôlés par l'autorité publique.

Article 4

Les ratifications officielles de la présente convention dans les conditions établies par la Constitution de l'Organisation internationale du Travail seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 5

1. This Convention shall come into force at the date on which the ratifications of two Members of the International Labour Organisation have been registered by the Director-General.

2. It shall be binding only upon those Members whose ratifications have been registered with the International Labour Office.

3. Thereafter, the Convention shall come into force for any Member at the date on which its ratification has been registered with the International Labour Office.

Article 6

As soon as the ratifications of two Members of the International Labour Organisation have been registered with the International Labour Office, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 7

Subject to the provisions of Article 5, each Member which ratifies this Convention agrees to bring the provisions of Articles 1, 2 and 3 into operation not later than 1 January 1924 and to take such action as may be necessary to make these provisions effective.

Article 8

Each Member of the International Labour Organisation which ratifies this Convention engages to apply it to its colonies, possessions and protectorates, in accordance with the provisions of Article 35 of the Constitution of the International Labour Organisation.

Article 9

A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered with the International Labour Office.

Article 10

At least once in ten years, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision or modification.

Article 5

1. La présente convention entrera en vigueur dès que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées par le Directeur général.

2. Elle ne liera que les Membres dont la ratification aura été enregistrée au Bureau international du Travail.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre à la date où sa ratification aura été enregistrée au Bureau international du Travail.

Article 6

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées au Bureau international du Travail, le Directeur général du Bureau international du Travail notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

Article 7

Sous réserve des dispositions de l'article 5, tout Membre qui ratifie la présente convention s'engage à appliquer les dispositions des articles 1, 2 et 3 au plus tard le 1^{er} janvier 1924 et à prendre telles mesures qui seront nécessaires pour rendre effectives ces dispositions.

Article 8

Tout Membre de l'Organisation internationale du Travail qui ratifie la présente convention s'engage à l'appliquer à ses colonies, possessions et protectorats, conformément aux dispositions de l'article 35 de la Constitution de l'Organisation internationale du Travail.

Article 9

Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée au Bureau international du Travail.

Article 10

Le Conseil d'administration du Bureau international du Travail devra, au moins une fois tous les dix ans, présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de la revision ou de la modification de ladite convention.

Article 11

The French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Minimum Age (Agriculture) Convention, 1921, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 20 November 1921 by the signatures of Lord Burnham, President of the Conference, and Albert Thomas, Director of the International Labour Office.

The Convention first came into force on 31 August 1923.

IN FAITH WHEREOF I have, in pursuance of the provisions of Article 6 of the Final Articles Revision Convention, 1946, authenticated with my signature this thirtieth day of April 1948 two original copies of the text of the Convention as modified.

Article 11

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

Le texte qui précède est le texte authentique de la Convention sur l'âge minimum (agriculture), 1921, telle qu'elle a été modifiée par la Convention portant revision des articles finals, 1946.

Le texte original de la convention fut authentiqué le 20 novembre 1921 par les signatures de Lord Burnham, Président de la Conférence, et de M. Albert Thomas, Directeur du Bureau international du Travail.

L'entrée en vigueur initiale de la convention eut lieu le 31 août 1923.

EN FOI DE QUOI j'ai authentiqué par ma signature, en application des dispositions de l'article 6 de la Convention portant revision des articles finals, 1946, ce trentième jour d'avril 1948, deux exemplaires originaux du texte de la convention telle qu'elle a été modifiée.

EDWARD PHELAN,

*Director-General
of the International Labour Office.*

*Directeur général
du Bureau international du Travail.*

The text of the Convention as here presented is a true copy of the text authenticated by the signature of the Director-General of the International Labour Office.

Le texte de la Convention présenté ici est une copie exacte du texte authentiqué par la signature du Directeur général du Bureau international du Travail.

Certified true copy,
Copie certifiée conforme,

*for the Director-General of the International Labour Office :
pour le Directeur général du Bureau international du Travail :*

C. W. JENKS,

*Legal Adviser
of the International Labour Office.
Conseiller juridique
du Bureau international du Travail.*

International Labour Conference

Conférence internationale du Travail

CONVENTION 59

CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION
OF CHILDREN TO INDUSTRIAL EMPLOYMENT
(REVISED 1937),

ADOPTED BY THE CONFERENCE AT ITS
TWENTY-THIRD SESSION, GENEVA, 22 JUNE 1937
(as modified by the Final Articles Revision Convention, 1946)

CONVENTION 59

CONVENTION FIXANT L'AGE MINIMUM D'ADMISSION
DES ENFANTS AUX TRAVAUX INDUSTRIELS
(REVISÉE EN 1937),

ADOPTÉE PAR LA CONFÉRENCE A SA
VINGT-TROISIÈME SESSION, GENÈVE, 22 JUIN 1937
(telle qu'elle a été modifiée par la Convention portant revision
des articles finals, 1946)

Convention 59

**CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION
OF CHILDREN TO INDUSTRIAL EMPLOYMENT (REVISED
1937).**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention fixing the minimum age for admission of children to industrial employment adopted by the Conference at its First Session, which is the sixth item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Minimum Age (Industry) Convention (Revised), 1937 :

PART I. GENERAL PROVISIONS

Article 1

1. For the purpose of this Convention, the term " industrial undertaking " includes particularly—

- (a) mines, quarries, and other works for the extraction of minerals from the earth ;
- (b) industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind ;
- (c) construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure ;
- (d) transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

CONVENTION FIXANT L'ÂGE MINIMUM D'ADMISSION DES ENFANTS AUX TRAVAUX INDUSTRIELS (REVISÉE EN 1937).

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 3 juin 1937 en sa vingt-troisième session,

Après avoir décidé d'adopter diverses propositions relatives à la revision partielle de la convention fixant l'âge minimum d'admission des enfants aux travaux industriels adoptée par la Conférence à sa première session, question qui constitue le sixième point à l'ordre du jour de la session,

Considérant que ces propositions doivent prendre la forme d'une convention internationale,

adopte, ce vingt-deuxième jour de juin mil neuf cent trente-sept, la convention ci-après, qui sera dénommée Convention (révisée) de l'âge minimum (industrie) 1937 :

PARTIE I. DISPOSITIONS GÉNÉRALES

Article 1

1. Pour l'application de la présente convention, seront considérés comme « établissements industriels », notamment :

- a) les mines, carrières et industries extractives de toute nature ;
- b) les industries dans lesquelles des produits sont manufacturés, modifiés, nettoyés, réparés, décorés, achevés, préparés pour la vente, ou dans lesquelles les matières subissent une transformation ; y compris la construction des navires, les industries de démolition de matériel, ainsi que la production, la transformation et la transmission de la force motrice en général et de l'électricité ;
- c) la construction, la reconstruction, l'entretien, la réparation, la modification ou la démolition de tous bâtiments et édifices, chemins de fer, tramways, ports, docks, jetées, canaux, installations pour la navigation intérieure, routes, tunnels, ponts, viaducs, égouts collecteurs, égouts ordinaires, puits, installations télégraphiques ou téléphoniques, installations électriques, usines à gaz, distribution d'eau, ou autres travaux de construction, ainsi que les travaux de préparation et de fondation précédant les travaux ci-dessus ;
- d) le transport de personnes ou de marchandises par route, voie ferrée ou voie d'eau, y compris la manutention des marchandises dans les docks, quais, wharfs et entrepôts, à l'exception du transport à la main.

2. Dans chaque pays, l'autorité compétente déterminera la ligne de démarcation entre l'industrie, d'une part, le commerce et l'agriculture, d'autre part.

Article 2

1. Children under the age of fifteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof.

2. Provided that, except in the case of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

Article 3

The provisions of this Convention shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of eighteen years employed by him, and of the dates of their births.

Article 5

1. In respect of employments which, by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either—

- (a) prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents ; or
- (b) empower an appropriate authority to prescribe a higher age or ages than fifteen years for the admission thereto of young persons or adolescents.

2. The annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation shall include full information concerning the age or ages prescribed by national laws in pursuance of sub-paragraph (a) of the preceding paragraph or concerning the action taken by the appropriate authority in exercise of the powers conferred upon it in pursuance of sub-paragraph (b) of the preceding paragraph, as the case may be.

PART II. SPECIAL PROVISIONS FOR CERTAIN COUNTRIES

Article 6

1. The provisions of this Article shall be applicable in Japan in substitution for the provisions of Articles 2 and 5.

Article 2

1. Les enfants de moins de quinze ans ne peuvent être employés ou travailler dans les établissements industriels, publics ou privés, ou dans leurs dépendances.

2. Toutefois, sauf en ce qui concerne les emplois qui, par leur nature ou les conditions dans lesquelles ils sont remplis, sont dangereux pour la vie, la santé ou la moralité des personnes qui y sont affectées, la législation nationale peut autoriser l'emploi de ces enfants dans les établissements où sont seuls occupés les membres de la famille de l'employeur.

Article 3

Les dispositions de la présente convention ne s'appliqueront pas au travail des enfants dans les écoles professionnelles, à la condition que ce travail soit approuvé et surveillé par l'autorité publique.

Article 4

Dans le but de permettre le contrôle de l'application des dispositions de la présente convention, tout chef d'établissement industriel doit tenir un registre d'inscription de toutes les personnes de moins de dix-huit ans employées par lui, avec l'indication de la date de leur naissance.

Article 5

1. En ce qui concerne les emplois qui, par leur nature ou les conditions dans lesquelles ils sont remplis, sont dangereux pour la vie, la santé ou la moralité des personnes qui y sont affectées, les lois nationales doivent :

- a) soit fixer un âge ou des âges supérieurs à quinze ans pour l'admission des jeunes gens et adolescents à ces emplois ;
- b) soit conférer à une autorité appropriée le pouvoir de fixer un âge ou des âges supérieurs à quinze ans pour l'admission des jeunes gens et adolescents à ces emplois.

2. Les rapports annuels qui doivent être présentés aux termes de l'article 22 de la Constitution de l'Organisation internationale du Travail devront contenir, suivant le cas, toutes informations concernant l'âge ou les âges fixés par les lois nationales conformément à l'alinéa a) du paragraphe précédent ou concernant les mesures prises par l'autorité appropriée en vertu du pouvoir conféré conformément à l'alinéa b) du paragraphe précédent.

PARTIE II. DISPOSITIONS SPÉCIALES A CERTAINS PAYS

Article 6

1. Les dispositions du présent article s'appliquent au Japon, au lieu des dispositions des articles 2 et 5.

2. Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof. Provided that national laws or regulations may permit such children to be employed in undertakings in which only members of the employer's family are employed.

3. Children under the age of sixteen years shall not be employed or work on dangerous or unhealthy work as defined by national laws or regulations in mines or factories.

Article 7

1. The provisions of Articles 2, 4 and 5 shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under the age of twelve years shall not be employed or work in factories working with power and employing more than ten persons.

3. Children under the age of thirteen years shall not be employed or work in the transport of passengers or goods, or mails, by rail, or in the handling of goods at docks, quays or wharves, but excluding transport by hand.

4. Children under the age of fifteen years shall not be employed or work—

- (a) in mines, quarries, and other works for the extraction of minerals from the earth ;
- (b) in occupations to which this Article applies which are scheduled as dangerous or unhealthy by the competent authority.

5. Unless they have been medically certified as fit for such work—

- (a) persons who have attained the age of twelve years but are under the age of seventeen years shall not be permitted to work in factories working with power and employing more than ten persons ;
- (b) persons who have attained the age of fifteen years but are under the age of seventeen years shall not be permitted to work in mines.

Article 8

1. The provisions of this Article shall be applicable in China in substitution for the provisions of Articles 2, 4 and 5.

2. Children under the age of twelve years shall not be employed or work in any factory using machines driven by motor power and regularly employing thirty persons or more.

3. Children under the age of fifteen years shall not be employed or work—

- (a) in mines regularly employing fifty persons or more ; or

2. Les enfants de moins de quatorze ans ne peuvent être employés ou travailler dans les établissements industriels, publics ou privés, ou dans leurs dépendances. Toutefois, la législation nationale peut autoriser l'emploi de ces enfants dans les établissements dans lesquels sont seuls employés les membres de la famille de l'employeur.

3. Les enfants de moins de seize ans ne peuvent être employés ou travailler dans les mines et les fabriques à des travaux dangereux ou insalubres, tels qu'ils sont définis par la législation nationale.

Article 7

1. Les dispositions des articles 2, 4 et 5 ne s'appliquent pas à l'Inde, mais, dans l'Inde, les dispositions suivantes s'appliquent à tous les territoires à l'égard desquels l'« Indian Legislature » a compétence de les appliquer.

2. Les enfants de moins de douze ans ne peuvent être employés ou travailler dans les fabriques utilisant la force motrice et occupant plus de dix personnes.

3. Les enfants de moins de treize ans ne peuvent être employés ou travailler dans le transport par voie ferrée de passagers, de marchandises et de services postaux, ou dans la manipulation de marchandises dans les docks, quais ou wharfs, à l'exception du transport à la main.

4. Les enfants de moins de quinze ans ne peuvent être employés ou travailler :

- a) dans les mines, carrières et industries extractives de toute nature ;
- b) aux travaux auxquels s'applique le présent article qui sont classés comme dangereux ou insalubres par l'autorité compétente.

5. A moins d'avoir été déclarés aptes à un tel travail par certificat médical :

- a) les personnes âgées de douze ans accomplis, mais n'ayant pas encore atteint l'âge de dix-sept ans, ne peuvent travailler dans les fabriques utilisant la force motrice et occupant plus de dix personnes ;
- b) les personnes âgées de quinze ans accomplis, mais n'ayant pas encore atteint l'âge de dix-sept ans ne peuvent travailler dans les mines.

Article 8

1. Les dispositions du présent article s'appliquent à la Chine, au lieu des dispositions des articles 2, 4 et 5.

2. Les enfants de moins de douze ans ne peuvent être employés ou travailler dans toute fabrique utilisant des machines mues par la force motrice et occupant habituellement trente personnes ou plus.

3. Les enfants de moins de quinze ans ne peuvent être employés ou travailler :

- a) dans les mines occupant habituellement cinquante personnes ou plus ;

- (b) on dangerous or unhealthy work as defined by national laws or regulations in any factory using machines driven by motor power and regularly employing thirty persons or more.

4. Every employer in an undertaking to which this Article applies shall keep a register of all persons under the age of sixteen employed by him, together with such evidence of their age as may be required by the competent authority.

Article 9

1. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to any one or more of the preceding Articles of Part II of this Convention.

2. Any such draft amendment shall state the Member or Members to which it applies, and shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted by the Member or Members to which it applies to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

3. Each such Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

4. Any such draft amendment shall take effect as an amendment to this Convention on ratification by the Member or Members to which it applies.

PART III. FINAL PROVISIONS

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

b) aux travaux dangereux ou insalubres, tels qu'ils sont définis par la législation nationale, dans toute fabrique utilisant des machines mues par la force motrice et occupant habituellement trente personnes ou plus.

4. Le chef de tout établissement industriel auquel le présent article est applicable doit tenir un registre d'inscription de toutes les personnes de moins de seize ans employées par lui, comportant telles preuves de leur âge qui seraient requises par l'autorité compétente.

Article 9

1. La Conférence internationale du Travail peut, à toute session où la matière est comprise dans son ordre du jour, adopter à la majorité des deux tiers des projets d'amendements à l'un ou plusieurs des articles précédents de la partie II de la présente convention.

2. Un tel projet d'amendement devra indiquer le Membre ou les Membres auxquels il s'applique et devra, dans le délai d'un an, ou, par suite de circonstances exceptionnelles, dans le délai de dix-huit mois à partir de la clôture de la session de la Conférence, être soumis par le Membre ou les Membres auxquels il s'applique à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de le transformer en loi ou de prendre des mesures d'un autre ordre.

3. Le Membre qui aura obtenu le consentement de l'autorité ou des autorités compétentes communiquera sa ratification formelle de l'amendement au Directeur général du Bureau international du Travail, aux fins d'enregistrement.

4. Un tel projet d'amendement, une fois ratifié par le Membre ou les Membres auxquels il s'applique, entrera en vigueur en tant qu'amendement à la présente convention.

PARTIE III. DISPOSITIONS FINALES

Article 10

Les ratifications officielles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 11

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The French and English texts of this Convention shall both be authentic.

Article 12

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées, le Directeur général du Bureau international du Travail notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

Article 13

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article, sera lié pour une nouvelle période de dix années, et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 14

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau international du Travail devra présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa revision totale ou partielle.

Article 15

1. Au cas où la Conférence adopterait une nouvelle convention portant revision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement :

- a) la ratification par un Membre de la nouvelle convention portant revision entraînerait de plein droit, nonobstant l'article 13 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant revision soit entrée en vigueur ;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant revision.

Article 16

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

The foregoing is the authentic text of the Minimum Age (Industry) Convention (Revised), 1937, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 10 August 1937 by the signatures of Seán F. Lemass, President of the Conference, and Harold Butler, Director of the International Labour Office.

The Convention first came into force on 21 February 1941.

IN FAITH WHEREOF I have, in pursuance of the provisions of Article 6 of the Final Articles Revision Convention, 1946, authenticated with my signature this thirty-first day of August 1948 two original copies of the text of the Convention as modified.

Le texte qui précède est le texte authentique de la Convention (révisée) de l'âge minimum (industrie), 1937, telle qu'elle a été modifiée par la Convention portant révision des articles finals, 1946.

Le texte original de la convention fut authentiqué le 10 août 1937 par les signatures de M. Seán F. Lemass, Président de la Conférence, et de M. Harold Butler, Directeur du Bureau international du Travail.

L'entrée en vigueur initiale de la convention eut lieu le 21 février 1941.

EN FOI DE QUOI j'ai authentiqué par ma signature, en application des dispositions de l'article 6 de la Convention portant révision des articles finals, 1946, ce trente et unième jour d'août 1948, deux exemplaires originaux du texte de la convention telle qu'elle a été modifiée.

EDWARD PHELAN,

*- Director-General
of the International Labour Office.*

*Directeur général
du Bureau international du Travail.*

The text of the Convention as here presented is a true copy of the text authenticated by the signature of the Director-General of the International Labour Office.

Le texte de la Convention présenté ici est une copie exacte du texte authentiqué par la signature du Directeur général du Bureau international du Travail.

Certified true copy,
Copie certifiée conforme,

*for the Director-General of the International Labour Office :
pour le Directeur général du Bureau international du Travail :*

C. W. JENKS,

*Legal Adviser
of the International Labour Office.*

*Conseiller juridique
du Bureau international du Travail.*

International Labour Conference

Conférence internationale du Travail

CONVENTION 60

CONVENTION CONCERNING THE AGE FOR ADMISSION
OF CHILDREN TO NON-INDUSTRIAL EMPLOYMENT
(REVISED 1937),
ADOPTED BY THE CONFERENCE AT ITS
TWENTY-THIRD SESSION, GENEVA, 22 JUNE 1937
(as modified by the Final Articles Revision Convention, 1946)

CONVENTION 60

CONVENTION CONCERNANT L'AGE D'ADMISSION
DES ENFANTS AUX TRAVAUX NON INDUSTRIELS
(REVISÉE EN 1937),
ADOPTÉE PAR LA CONFÉRENCE A SA
VINGT-TROISIÈME SESSION, GENÈVE, 22 JUIN 1937
(telle qu'elle a été modifiée par la Convention portant revision
des articles finals, 1946)

Convention 60

**CONVENTION CONCERNING THE AGE FOR ADMISSION OF
CHILDREN TO NON-INDUSTRIAL EMPLOYMENT (REVISED
1937).**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-third Session on 3 June 1937, and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Convention concerning the age of admission of children to non-industrial employment adopted by the Conference at its Sixteenth Session, which is the seventh item on the agenda of the Session, and

Considering that these proposals must take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and thirty-seven the following Convention, which may be cited as the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 :

Article 1

1. This Convention applies to any employment not dealt with in the Convention concerning the age for admission of children to employment in agriculture (Geneva, 1921), the Minimum Age (Sea) Convention (Revised), 1936, or the Minimum Age (Industry) Convention (Revised), 1937.

2. The competent authority in each country shall, after consultation with the principal organisations of employers and workers concerned, define the line of division which separates the employments covered by this Convention from those dealt with in the three aforesaid Conventions.

3. This Convention does not apply to—

- (a) employment in sea-fishing ;
- (b) work done in technical and professional schools, provided that such work is essentially of an educative character, is not intended for commercial profit, and is restricted, approved and supervised by public authority.

4. It shall be open to the competent authority in each country to exempt from the application of this Convention—

- (a) employment in establishments in which only members of the employer's family are employed, except employment which is harmful, prejudicial or dangerous within the meaning of Articles 3 or 5 of this Convention ;
- (b) domestic work in the family performed by members of that family.

Article 2

Children under fifteen years of age, or children over fifteen years who are still required by national laws or regulations to

Convention 60

**CONVENTION CONCERNANT L'ÂGE D'ADMISSION DES
ENFANTS AUX TRAVAUX NON INDUSTRIELS (REVISÉE
EN 1937).**

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 3 juin 1937 en sa vingt-troisième session,

Après avoir décidé d'adopter diverses propositions relatives à la revision partielle de la convention concernant l'âge d'admission des enfants aux travaux non industriels adoptée par la Conférence en sa seizième session, question qui constitue le septième point à l'ordre du jour de la session,

Considérant que ces propositions doivent prendre la forme d'une convention internationale,

adopte, ce vingt-deuxième jour de juin mil neuf cent trente-sept, la convention ci-après, qui sera dénommée Convention (révisée) sur l'âge minimum (travaux non industriels), 1937 :

Article 1

1. La présente convention s'applique à tout travail ne faisant pas l'objet de la réglementation prévue par la convention concernant l'âge d'admission des enfants au travail dans l'agriculture (Genève, 1921), la convention (révisée) sur l'âge minimum (travail maritime), 1936, et la convention (révisée) sur l'âge minimum (industrie), 1937.

2. Dans chaque pays, l'autorité compétente, après consultation des principales organisations patronales et ouvrières intéressées, déterminera la ligne de démarcation entre le champ d'application de la présente convention et celui des trois conventions susmentionnées.

3. La présente convention ne s'applique pas :

- a) à la pêche maritime ;
- b) au travail dans les écoles techniques et professionnelles, à la condition qu'il présente un caractère essentiellement éducatif, n'ait pas pour objet un bénéfice commercial et qu'il soit limité, approuvé et contrôlé par l'autorité publique.

4. Dans chaque pays, l'autorité compétente aura la faculté d'exclure de l'application de la présente convention :

- a) l'emploi dans les établissements où sont seuls occupés les membres de la famille de l'employeur, à la condition que cet emploi ne soit pas nuisible, préjudiciable ou dangereux au sens des articles 3 et 5 ci-dessous ;
- b) le travail domestique dans la famille par les membres de cette famille.

Article 2

Les enfants de moins de quinze ans ou ceux qui, ayant dépassé cet âge, sont encore soumis à l'obligation scolaire pri-

attend primary school, shall not be employed in any employment to which this Convention applies except as hereinafter otherwise provided.

Article 3

1. Children over thirteen years of age may, outside the hours fixed for school attendance, be employed on light work which—

- (a) is not harmful to their health or normal development ; and
- (b) is not such as to prejudice their attendance at school or capacity to benefit from the instruction there given.

2. No child under fourteen years of age shall—

- (a) be employed on light work for more than two hours per day whether that day be a school day or a holiday ; or
- (b) spend at school and on light work a total number of hours exceeding seven per day.

3. National laws or regulations shall prescribe the number of hours per day during which children over fourteen years of age may be employed on light work.

4. Light work shall be prohibited—

- (a) on Sundays and legal public holidays ; and
- (b) during the night.

5. For the purpose of the preceding paragraph the term “night” means—

- (a) in the case of children under fourteen years of age, a period of at least twelve consecutive hours comprising the interval between 8 p.m. and 8 a.m. ;
- (b) in the case of children over fourteen years of age, a period which shall be prescribed by national laws or regulations but the duration of which shall not, except in the case of tropical countries where a compensatory rest is accorded during the day, be less than twelve hours.

6. After the principal organisations of employers and workers concerned have been consulted, national laws or regulations shall—

- (a) specify what forms of employment may be considered to be light work for the purpose of this Article ; and
- (b) prescribe the preliminary conditions to be complied with as safeguards before children may be employed on light work.

7. Subject to the provisions of sub-paragraph (a) of paragraph 1 above.

- (a) national laws or regulations may determine work to be allowed and the number of hours per day to be worked during the holiday time of children referred to in Article 2 who are over fourteen years of age ;
- (b) in countries where no provision exists relating to compulsory school attendance, the time spent on light work shall not exceed four and a half hours per day.

naire en vertu de la législation nationale, ne pourront être occupés à aucun des travaux auxquels s'applique la présente convention, sous réserve des dispositions ci-après.

Article 3

1. Les enfants âgés de treize ans accomplis pourront, en dehors des heures fixées pour la fréquentation scolaire, être occupés à des travaux légers, sous réserve que ces travaux :

- a) ne soient pas nuisibles à leur santé ou à leur développement normal ;
- b) ne soient pas de nature à porter préjudice à leur assiduité à l'école ou à leur faculté de bénéficier de l'instruction qui y est donnée.

2. Aucun enfant âgé de moins de quatorze ans ne pourra :

- a) être occupé à des travaux légers pendant plus de deux heures par jour, aussi bien les jours de classe que les jours de vacances ;
- b) consacrer à l'école et aux travaux légers plus de sept heures par jour au total.

3. La législation nationale déterminera le nombre quotidien d'heures pendant lesquelles les enfants âgés de plus de quatorze ans pourront être occupés à des travaux légers.

4. Les travaux légers seront prohibés :

- a) les dimanches et jours de fête publique légale ;
- b) pendant la nuit.

5. Pour l'application du paragraphe précédent, le terme « nuit » signifie :

- a) en ce qui concerne les enfants âgés de moins de quatorze ans, une période d'au moins douze heures consécutives, comprenant l'intervalle écoulé entre huit heures du soir et huit heures du matin ;
- b) en ce qui concerne les enfants âgés de plus de quatorze ans, une période qui sera fixée par la législation nationale, mais dont la durée ne pourra être inférieure à douze heures, sauf dans le cas des pays tropicaux où un repos compensateur est accordé pendant le jour.

6. Après consultation des principales organisations patronales et ouvrières intéressées, la législation nationale :

- a) déterminera quels sont les genres de travaux qui peuvent être considérés comme travaux légers au sens du présent article ;
- b) prescrira les garanties préliminaires à remplir avant que les enfants puissent être employés à des travaux légers.

7. Sous réserve des dispositions de l'alinéa a) du paragraphe 1 ci-dessus :

- a) la législation nationale pourra déterminer les travaux permis et leur durée journalière pour la période des vacances des enfants ayant dépassé quatorze ans, visés à l'article 2 ;
- b) dans les pays où n'existe aucune disposition relative à la fréquentation scolaire obligatoire, la durée des travaux légers ne devra pas dépasser quatre heures et demie par jour.

Article 4

1. In the interests of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of Articles 2 and 3 of this Convention in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

2. Provided that—

- (a) no such exception shall be allowed in respect of employment which is dangerous within the meaning of Article 5, such as employment in circuses, variety shows or cabarets ;
- (b) strict safeguards shall be prescribed for the health, physical development and morals of the children, for ensuring kind treatment of them, adequate rest, and the continuation of their education ; and
- (c) children to whom permits are granted in accordance with this Article shall not be employed after midnight.

Article 5

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to any employment which, by its nature, or the circumstances in which it is to be carried on, is dangerous to the life, health or morals of the persons employed in it.

Article 6

A higher age or ages than those referred to in Article 2 of this Convention shall be fixed by national laws or regulations for admission of young persons and adolescents to employment for purposes of itinerant trading in the streets or in places to which the public have access, to regular employment at stalls outside shops or to employment in itinerant occupations, in cases where the conditions of such employment require that a higher age should be fixed.

Article 7

In order to ensure the due enforcement of the provisions of this Convention, national laws or regulations shall—

- (a) provide for an adequate system of public inspection and supervision ;
- (b) require every employer to keep a register of the names and dates of birth of all persons under the age of eighteen years employed by him in any employment to which this Convention applies other than an employment to which Article 6 applies ;
- (c) provide suitable means for facilitating the identification and supervision of persons under a specified age engaged in the employments and occupations covered by Article 6 ; and
- (d) provide penalties for breaches of the laws or regulations by which effect is given to the provisions of this Convention.

Article 4

1. Dans l'intérêt de l'art, de la science ou de l'enseignement, la législation nationale pourra, par le moyen d'autorisations individuelles, accorder des dérogations aux dispositions des articles 2 et 3 de la présente convention, afin de permettre à des enfants de paraître dans tous spectacles publics, ainsi que de participer comme acteurs ou figurants dans des prises de vues cinématographiques.

2. Toutefois :

- a) aucune dérogation ne sera accordée dans le cas d'un emploi dangereux au sens de l'article 5 ci-dessous, notamment pour des spectacles de cirque, variétés et cabarets ;
- b) des garanties strictes seront établies en vue de sauvegarder la santé, le développement physique et la moralité des enfants, de leur assurer de bons traitements, un repos convenable et la continuation de leur instruction ;
- c) les enfants autorisés à travailler dans les conditions prévues au présent article ne devront pas travailler après minuit.

Article 5

La législation nationale fixera un âge ou des âges supérieurs à ceux qui sont mentionnés à l'article 2 de la présente convention pour l'admission des jeunes gens et adolescents à tout emploi qui, par sa nature ou les conditions dans lesquelles il est rempli, est dangereux pour la vie, la santé ou la moralité des personnes qui y sont affectées.

Article 6

La législation nationale fixera un âge ou des âges supérieurs à ceux qui sont mentionnés à l'article 2 de la présente convention pour l'admission des jeunes gens et adolescents aux emplois dans le commerce ambulant sur la voie publique ou dans les établissements et lieux publics, aux emplois permanents à des étalages extérieurs, ou aux emplois dans les professions ambulantes, lorsque ces emplois sont exercés dans des conditions qui justifient qu'un âge plus élevé soit fixé.

Article 7

En vue d'assurer l'application effective des dispositions de la présente convention, la législation nationale :

- a) prévoira un système approprié d'inspection et de contrôle officiels ;
- b) obligera chaque employeur à tenir un registre indiquant les noms et dates de naissance de toutes les personnes de moins de dix-huit ans qu'il occupe dans les emplois auxquels s'applique la présente convention, à l'exception de ceux visés à l'article 6 ;
- c) prévoira des mesures appropriées pour faciliter l'identification et le contrôle des personnes au-dessous d'un âge déterminé occupées dans les emplois et professions visés à l'article 6 ;
- d) établira des pénalités pour réprimer les infractions à la législation donnant effet aux dispositions de la présente convention.

Article 8

There shall be included in the annual reports to be submitted under Article 22 of the Constitution of the International Labour Organisation full information concerning all laws and regulations by which effect is given to the provisions of this Convention, including—

- (a) a list of the forms of employment which national laws or regulations specify to be light work for the purpose of Article 3 ;
- (b) a list of the forms of employment for which, in accordance with Articles 5 and 6, national laws or regulations have fixed ages for admission higher than those laid down in Article 2 ; and
- (c) full information concerning the circumstances in which exceptions to the provisions of Articles 2 and 3 are permitted in accordance with the provisions of Article 4.

Article 9

1. The provisions of Articles 2, 3, 4, 5, 6 and 7 of this Convention shall not apply to India, but in India the following provisions shall apply to all territories in respect of which the Indian Legislature has jurisdiction to apply them.

2. Children under thirteen years of age shall not be employed—

- (a) in shops, offices, hotels or restaurants ;
- (b) in places of public entertainment ; or
- (c) in any other non-industrial occupations to which the provisions of this paragraph may be extended by the competent authority.

3. In the interest of art, science or education, national laws or regulations may, by permits granted in individual cases, allow exceptions to the provisions of the preceding paragraph in order to enable children to appear in any public entertainment or as actors or supernumeraries in the making of cinematographic films.

4. Persons under seventeen years of age shall not be employed in any non-industrial employment which the competent authority, after consultation with the principal organisations of employers and workers concerned, may declare to involve danger to life, health or morals.

5. The International Labour Conference may, at any session at which the matter is included in its agenda, adopt by a two-thirds majority draft amendments to the preceding paragraphs of this Article.

6. Any such draft amendment shall, within the period of one year, or, in exceptional circumstances, of eighteen months, from the closing of the session of the Conference, be submitted in India to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

7. India will, if it obtains the consent of the authority or authorities within whose competence the matter lies, commu-

Article 8

Les rapports annuels prévus par l'article 22 de la Constitution de l'Organisation internationale du Travail donneront des renseignements complets sur la législation donnant effet aux dispositions de la présente convention. Ces renseignements contiendront notamment :

- a) une liste des genres d'emplois que la législation nationale qualifie de travaux légers au sens de l'article 3 ;
- b) une liste des genres d'emplois pour lesquels, conformément aux articles 5 et 6, la législation nationale a fixé des âges d'admission plus élevés que ceux établis par l'article 2 ;
- c) des renseignements complets sur les conditions dans lesquelles les dérogations aux articles 2 et 3 sont autorisées en vertu de l'article 4.

Article 9

1. Les dispositions des articles 2, 3, 4, 5, 6 et 7 de la présente convention ne s'appliqueront pas à l'Inde, mais, dans l'Inde, les dispositions suivantes s'appliqueront à tous les territoires à l'égard desquels l'« Indian Legislature » a compétence de les appliquer.

2. Les enfants de moins de treize ans ne pourront pas être employés :

- a) dans les magasins, les bureaux, les hôtels et les restaurants ;
- b) dans les lieux de spectacles publics ;
- c) dans toutes les autres professions non industrielles auxquelles les dispositions du présent paragraphe peuvent être étendues par l'autorité compétente.

3. Dans l'intérêt de l'art, de la science ou de l'enseignement, la législation nationale pourra, par le moyen d'autorisations individuelles, accorder des dérogations aux dispositions du paragraphe précédent, afin de permettre à des enfants de paraître dans tout spectacle public, de même que comme acteur ou figurant dans la production des films cinématographiques.

4. Les personnes de moins de dix-sept ans ne pourront être employées dans toute profession non industrielle reconnue par l'autorité compétente, après consultation des principales organisations d'employeurs et de travailleurs intéressées, comme impliquant un danger pour la vie, la santé ou la moralité de ces personnes.

5. La Conférence internationale du Travail peut, à toute session où la matière est comprise dans son ordre du jour, adopter à la majorité des deux tiers des projets d'amendements aux paragraphes précédents du présent article.

6. Un tel projet d'amendement devra, dans le délai d'un an ou, par suite de circonstances exceptionnelles, dans le délai de dix-huit mois à partir de la clôture de la session de la Conférence, être soumis dans l'Inde à l'autorité ou aux autorités dans la compétence desquelles rentre la matière, en vue de le transformer en loi ou de prendre des mesures d'un autre ordre.

7. Si l'Inde obtient le consentement de l'autorité ou des autorités compétentes, elle communiquera sa ratification formelle

nicate the formal ratification of the amendment to the Director-General of the International Labour Office for registration.

8. Any such draft amendment shall take effect as an amendment to this Convention on ratification by India.

Article 10

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 11

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 12

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Director-General of the International Labour Office shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 13

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 14

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

de l'amendement au Directeur général du Bureau international du Travail, aux fins d'enregistrement.

8. Un tel projet d'amendement, une fois ratifié par l'Inde, entrera en vigueur en tant qu'amendement à la présente convention.

Article 10

Les ratifications officielles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 11

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 12

Aussitôt que les ratifications de deux Membres de l'Organisation internationale du Travail auront été enregistrées, le Directeur général du Bureau international du Travail notifiera ce fait à tous les Membres de l'Organisation internationale du Travail. Il leur notifiera également l'enregistrement des ratifications qui lui seront ultérieurement communiquées par tous autres Membres de l'Organisation.

Article 13

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail, et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article, sera lié pour une nouvelle période de dix années, et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 14

A l'expiration de chaque période de dix années à compter de l'entrée en vigueur de la présente convention, le Conseil d'administration du Bureau international du Travail devra présenter à la Conférence générale un rapport sur l'application de la présente convention et décidera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa revision totale ou partielle.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 13 above, if and when the new revising Convention shall have come into force ;
- (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The French and English texts of this Convention shall both be authentic.

The foregoing is the authentic text of the Minimum Age (Non-Industrial Employment) Convention (Revised), 1937, as modified by the Final Articles Revision Convention, 1946.

The original text of the Convention was authenticated on 10 August 1937 by the signatures of Seán F. Lemass, President of the Conference, and Harold Butler, Director of the International Labour Office.

The Convention had not come into force on 1 January 1947.

IN FAITH WHEREOF I have, in pursuance of the provisions of Article 6 of the Final Articles Revision Convention, 1946, authenticated with my signature this thirty-first day of August 1948 two original copies of the text of the Convention as modified.

Article 15

1. Au cas où la Conférence adopterait une nouvelle convention portant revision totale ou partielle de la présente convention et à moins que la nouvelle convention ne dispose autrement :

- a) la ratification par un Membre de la nouvelle convention portant revision entraînerait de plein droit, nonobstant l'article 13 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant revision soit entrée en vigueur ;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant revision.

Article 16

Les textes français et anglais de la présente convention feront foi l'un et l'autre.

Le texte qui précède est le texte authentique de la Convention (revisée) sur l'âge minimum (travaux non industriels), 1937, telle qu'elle a été modifiée par la Convention portant revision des articles finals, 1946.

Le texte original de la convention fut authentiqué le 10 août 1937 par les signatures de M. Seán F. Lemass, Président de la Conférence, et de M. Harold Butler, Directeur du Bureau international du Travail.

La convention n'était pas entrée en vigueur le 1^{er} janvier 1947.

EN FOI DE QUOI j'ai authentiqué par ma signature, en application des dispositions de l'article 6 de la Convention portant revision des articles finals, 1946, ce trente et unième jour d'août 1948, deux exemplaires originaux du texte de la convention telle qu'elle a été modifiée.

EDWARD PHELAN,

*Director-General
of the International Labour Office.*

*Directeur général
du Bureau international du Travail.*

The text of the Convention as here presented is a true copy of the text authenticated by the signature of the Director-General of the International Labour Office.

Le texte de la Convention présenté ici est une copie exacte du texte authentiqué par la signature du Directeur général du Bureau international du Travail.

Certified true copy,
Copie certifiée conforme,

*for the Director-General of the International Labour Office :
pour le Directeur général du Bureau international du Travail :*

C. W. JENKS,

*Legal Adviser
of the International Labour Office.
Conseiller juridique
du Bureau international du Travail.*

International Labour Conference

Conférence internationale du Travail

CONVENTION 123

CONVENTION CONCERNING THE MINIMUM AGE FOR ADMISSION TO EMPLOYMENT
UNDERGROUND IN MINES, ADOPTED BY THE CONFERENCE AT ITS
FORTY-NINTH SESSION, GENEVA, 22 JUNE 1965

CONVENTION 123

CONVENTION CONCERNANT L'ÂGE MINIMUM D'ADMISSION AUX TRAVAUX SOUTERRAINS
DANS LES MINES, ADOPTÉE PAR LA CONFÉRENCE A SA QUARANTE-NEUVIÈME
SESSION, GENÈVE, 22 JUIN 1965

Convention 123

**CONVENTION CONCERNING THE MINIMUM AGE FOR ADMISSION
TO EMPLOYMENT UNDERGROUND IN MINES.**

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Forty-ninth Session on 2 June 1965, and

Having decided upon the adoption of certain proposals with regard to minimum age for admission to employment underground in mines, which is included in the fourth item on the agenda of the session, and

Noting that the Underground Work (Women) Convention, 1935, prohibits in principle the employment of any female, whatever her age, on underground work in any mine, and

Noting that the Minimum Age (Industry) Convention (Revised), 1937, which is applicable to mines, provides that children under the age of 15 years shall not be employed or work in any public or private undertaking, or in any branch thereof, and

Noting that the Convention further specifies that, in respect of employments which by their nature or the circumstances in which they are carried on, are dangerous to the life, health or morals of the persons employed therein, national laws shall either prescribe or empower an appropriate authority to prescribe a higher age or ages than 15 years for the admission thereto of young persons or adolescents, and

Considering that, in view of the nature of employment underground in mines, international standards establishing a higher age than 15 years for admission to such employment are desirable, and

Having determined that these standards shall take the form of an international Convention,

adopts this twenty-second day of June of the year one thousand nine hundred and sixty-five the following Convention, which may be cited as the Minimum Age (Underground Work) Convention, 1965 :

Article 1

1. For the purpose of this Convention, the term "mine" means any undertaking, whether public or private, for the extraction of any substance from under the surface of the earth by means involving the employment of persons underground.

2. The provisions of this Convention concerning employment or work underground in mines include employment or work underground in quarries.

Article 2

1. Persons under a specified minimum age shall not be employed or work underground in mines.

2. Each Member which ratifies this Convention shall specify the minimum age in a declaration appended to its ratification.

3. The minimum age shall in no case be less than 16 years.

CONVENTION CONCERNANT L'ÂGE MINIMUM D'ADMISSION AUX TRAVAUX SOUTERRAINS DANS LES MINES.

La Conférence générale de l'Organisation internationale du Travail,

Convoquée à Genève par le Conseil d'administration du Bureau international du Travail, et s'y étant réunie le 2 juin 1965, en sa quarante-neuvième session ;

Après avoir décidé d'adopter diverses propositions relatives à l'âge minimum d'admission aux travaux souterrains dans les mines, question qui est comprise dans le quatrième point à l'ordre du jour de la session ;

Notant que la convention des travaux souterrains (femmes), 1935, interdit en principe l'emploi d'aucune personne du sexe féminin, quel que soit son âge, aux travaux souterrains dans les mines ;

Notant que la convention (révisée) de l'âge minimum (industrie), 1937, qui s'applique aux mines, prévoit que les enfants de moins de quinze ans ne peuvent être employés ou travailler dans les établissements industriels, publics ou privés, ou dans leurs dépendances ;

Notant que cette convention énonce en outre qu'en ce qui concerne les emplois qui, par leur nature ou les conditions dans lesquelles ils sont remplis, sont dangereux pour la vie, la santé ou la moralité des personnes qui y sont affectées, les lois nationales doivent, soit fixer elles-mêmes un âge ou des âges supérieurs à quinze ans pour l'admission des jeunes gens et adolescents à ces emplois, soit conférer à une autorité appropriée le pouvoir de le faire ;

Considérant qu'étant donné la nature des travaux souterrains dans les mines, il y a lieu d'adopter des normes internationales fixant un âge supérieur à quinze ans pour l'admission à de tels travaux ;

Après avoir décidé que ces normes prendraient la forme d'une convention internationale,

adopte, ce vingt-deuxième jour de juin mil neuf cent soixante-cinq, la convention ci-après, qui sera dénommée Convention sur l'âge minimum (travaux souterrains), 1965 :

Article 1

1. Aux fins de l'application de la présente convention, le terme « mine » s'entend de toute entreprise, soit publique, soit privée, dont le but est l'extraction de substances situées en dessous du sol, et qui comporte l'emploi souterrain de personnes.

2. Les dispositions de la présente convention relatives à l'emploi ou au travail souterrains dans les mines couvrent l'emploi ou le travail souterrains dans les carrières.

Article 2

1. Les personnes n'ayant pas atteint un âge minimum déterminé ne doivent pas être employées ou travailler sous terre dans les mines.

2. Tout Membre qui ratifie la présente convention doit spécifier cet âge minimum dans une déclaration annexée à sa ratification.

3. L'âge minimum ne peut, en aucun cas, être inférieur à seize ans.

Article 3

Each Member which has ratified this Convention may subsequently notify the Director-General of the International Labour Office, by a further declaration, that it specifies a minimum age higher than that specified at the time of ratification.

Article 4

1. All necessary measures, including the provision of appropriate penalties, shall be taken by the competent authority to ensure the effective enforcement of the provisions of this Convention.

2. Each Member which ratifies this Convention undertakes either to maintain an appropriate inspection service for the purpose of supervising the application of the provisions of the Convention or to satisfy itself that appropriate inspection is carried out.

3. National laws or regulations shall define the persons responsible for compliance with the provisions of this Convention.

4. The employer shall keep, and make available to inspectors, records indicating, in respect of persons who are employed or work underground and who are less than two years older than the specified minimum age—

- (a) the date of birth, duly certified wherever possible ; and
- (b) the date at which the person was employed or worked underground in the undertaking for the first time.

5. The employer shall make available to the workers' representatives, at their request, lists of the persons who are employed or work underground and who are less than two years older than the specified minimum age ; such lists shall contain the dates of birth of such persons and the dates at which they were employed or worked underground in the undertaking for the first time.

Article 5

The determination of the minimum age to be specified in pursuance of Articles 2 and 3 of this Convention shall be made after consultation with the most representative organisations of employers and workers concerned.

Article 6

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 7

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General.

2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 3

Tout Membre ayant ratifié la présente convention pourra informer le Directeur général du Bureau international du Travail, par une déclaration ultérieure, qu'il relève l'âge minimum spécifié au moment de sa ratification.

Article 4

1. Toutes les mesures nécessaires, y compris l'adoption de sanctions appropriées, doivent être prises par l'autorité compétente pour assurer l'application effective des dispositions de la présente convention.

2. Tout Membre qui ratifie la présente convention s'engage à disposer d'un système d'inspection approprié pour surveiller l'application des dispositions de la convention, ou à vérifier qu'une inspection appropriée est effectuée.

3. La législation nationale doit déterminer les personnes chargées d'assurer l'exécution des dispositions de la présente convention.

4. L'employeur doit tenir des registres qui seront à la disposition des inspecteurs et qui indiqueront, pour chaque personne employée ou travaillant sous terre et dépassant de moins de deux ans l'âge minimum d'admission spécifié :

- a) la date de naissance, dûment attestée dans la mesure du possible ;
- b) la date à laquelle la personne a été employée ou a travaillé sous terre, dans l'entreprise, pour la première fois.

5. L'employeur doit, à la demande des représentants des travailleurs, mettre à leur disposition des listes des personnes employées ou travaillant sous terre et dépassant de moins de deux ans l'âge minimum d'admission spécifié ; ces listes doivent indiquer la date de naissance de ces personnes et la date à laquelle elles ont été employées ou ont travaillé sous terre, dans l'entreprise, pour la première fois.

Article 5

L'âge minimum d'admission qui doit être spécifié en vertu des articles 2 et 3 de la présente convention doit être fixé après consultation des organisations les plus représentatives des employeurs et des travailleurs intéressés.

Article 6

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 7

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 8

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.

2. When notifying the Members of the Organisation of the registration of the second ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force.

Article 10

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles.

Article 11

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 12

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides—

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 8 above, if and when the new revising Convention shall have come into force ;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 8

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 9

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et dénonciations qui lui seront communiquées par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 10

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 11

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa revision totale ou partielle.

Article 12

1. Au cas où la Conférence adopterait une nouvelle convention portant revision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement :

- a) la ratification par un Membre de la nouvelle convention portant revision entraînerait de plein droit, nonobstant l'article 8 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant revision soit entrée en vigueur ;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant revision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant revision

Article 13

The English and French versions of the text of this Convention are equally authoritative.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the International Labour Organisation during its Forty-ninth Session which was held at Geneva and declared closed the twenty-third day of June 1965.

IN FAITH WHEREOF we have appended our signatures this twenty-fourth day of June 1965.

Article 13

Les versions française et anglaise du texte de la présente convention font également foi.

Le texte qui précède est le texte authentique de la convention dûment adoptée par la Conférence générale de l'Organisation internationale du Travail dans sa quarante-neuvième session qui s'est tenue à Genève et qui a été déclarée close le 23 juin 1965.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-quatrième jour de juin 1965 :

*The President of the Conference,
Le Président de la Conférence,*

S. HASHIM RAZA.

*The Director-General of the International Labour Office,
Le Directeur général du Bureau international du Travail,*

DAVID A. MORSE.

The text of the Convention as here presented is a true copy of the text authenticated by the signatures of the President of the International Labour Conference and of the Director-General of the International Labour Office.

Le texte de la Convention présenté ici est une copie exacte du texte authentiqué par les signatures du Président de la Conférence internationale du Travail et du Directeur général du Bureau international du Travail.

Certified true and complete copy,
Copie certifiée conforme et complète,

*for the Director-General of the International Labour Office :
pour le Directeur général du Bureau international du Travail :*

